OVERVIEW

The intelligence community is set up to minimize needless duplication without endangering the longstanding policy that the intelligence agencies should be competitive in their assessments. A key document approved by the National Foreign Intelligence Board (NFIB) is a directive, approved and published annually by the Director of Central Intelligence (DCI) that establishes the budgetary and collection priorities for all the agencies.

This document is the product of a formal mechanism and is the official statement of priority for all members of the intelligence community. For example, for most of the post-war world, topics dealing with the capabilities of the former Soviet Union to attack the U.S. and NATO have had a number-one priority assigned the Board. Thus, Soviet affairs have enjoyed primacy in all claims for budgets, resources, collection and publication.

Regarding the POW/MIA issue, Lt. Gen. Perroots testified that he succeeded in having the NFIB assign a number-one priority to the POW issue for the first time only in 1985, as an exception to national policy.[239] In the same hearing former National Security Council staff member Richard Childress testified that in 1983, during the first Reagan Administration, he was the first to have the intelligence community raise the national intelligence priority of the POW issue from seven, where it had been since the end of the Vietnam War in 1975.[240]

The information-handling process in the intelligence industry, simplistically, consists of collection of information, processing, analysis, and dissemination of finished or semi-finished intelligence. The information flow is controlled at every stage by normal organizational functions, including management, budgeting, quality control, training, assignment of priorities and allocation of resources. Although agencies have much latitude in their internal management, the end results are governed by the Board-approved national intelligence priorities.

There are two ways in which individual agencies can pursue important national intelligence objectives with others acting only in a supporting role. On occasion and for subjects requiring special expertise or reflecting narrow interest, the NFIB may designate an agency to take the lead. In his deposition, Rear Admiral Thomas Brooks (USN-Ret.) indicated that the Navy has the lead on a number of nationally important intelligence issues.

Without a formal statement of national priority, collection, analysis and publication on a topic might still occur by exception. Thus, an agency might retain a small analytical effort on a subject of its own interest, by justifying it against some other national priority. A senior official of the National Security Agency (NSA testified in his deposition that NSA maintained a residual collection effort against Southeast Asia between 1975 and 1978, based on the Soviet interest in the region as manifest by its occupation of naval facili-

[239] Perroots testimony, Dec. 1, 1992.
[240] Childress testimony, Dec. 1, 1992.

ties at Cam Ranh Bay and the priority attached to Soviet matters. The expenditures for this effort were justified, according to the senior official, neither by the military capabilities of Vietnam, which had a million-man army at the time, nor by the POW/MIA issue.

The Defense Department's primacy on POW issues came about by directive from William Casey, belatedly, in 1985.

Intelligence and intelligence analysis

Intelligence is often defined by the source from which the information is obtained. Human intelligence (HUMINT) refers to information observed and reported by human beings. All live-sighting reports, whether first- or second-hand, are human source reports. Technical collection of electronic signals (SIGINT) includes information obtained by eavesdropping on radio conversations. Imagery intelligence (IMINT) includes photography, including pictures or images obtained by various means, including by a person taking pictures with a hand-held camera.

There are many techniques for performing intelligence analysis, which is the term used to describe the process of endeavoring to understand the larger meaning of information obtained secretly. All intelligence information consists of two parts: the source and the content. Both must be analyzed in evaluating the larger meaning of secret information by means of separate techniques. For this reason, intelligence agencies normally separate the evaluation of sources from the analysis of the content to avoid the dangers of bias and conflict of interest.

One common intelligence analytical practice is to compare information obtained in each of these separate channels to determine whether the channels corroborate each other. This matching is the simplest and easiest form of analysis, and matches are seldom precise. More sophisticated analytical techniques include pattern analysis, cause-and-effect analysis, cost-benefit analysis, the use of probabilities and utilities, and a variety of advanced computer modeling techniques.

Intelligence information, by its very nature, is a glimpse of reality. It is never conclusive because the methods of acquisition are surreptitious. On the other hand, the probabilities of reality that can be established by intelligence information are necessary and sufficient to enable national decision-makers to make reasonable judgments about courses of action. While intellience information is never complete, good intelligence often has made the difference between life and death, victory and defeat.

Regarding the quality of information obtained on the POWs, successive retired senior CIA officiers involved in collection activities in Southeast Asia have testified that the sources of information of POWs were not materially different from those used for obtaining information on other topics.[241] Often they were the same people. Thus, a single human source might report on military developments as well as on POW matters in the same report. Many files

[241] Depositions of retired CIA officers taken May 29, June 9, Aug. 21, Sept. 18, and Dec. 30, 1992.

provided by the intelligence agencies included reports of this nature.

Investigating the intelligence agencies' performance

The intelligence investigators determined that any evaluation of DoD's work had to be best understood in the context of the intelligence community's support of the DoD. The accuracy of this judgment was reflected in the testimony of former DIA Directors Lt. Gen. James Williams and Perroots and present DIA Director, Lt. Gen. James Clapper.[242] This investigation was conducted primarily through the deposition of key intelligence officials in light of intelligence administrative documents found in the files of the agencies.

Intelligence community support of the POW effort

The Committee's investigation discovered that the normal processes of the U.S. intelligence community have not been followed in the intelligence aspects of the POW/MIA issue. In depositions, former Deputy Director of Central Intelligence Admiral Inman and a former senior CIA official testified that the POW issue was considered exclusively the province of DoD; all other agencies played a supporting role only. The CIA officer stated that it was his understanding that it was usual to defer to DoD in POW/MIA issues.[243] No official could recall just how this grant of exclusivity was made, but none could recall a formal determination.

Priority

After Operation Homecoming in 1973, virtually every intelligence official from whom the Committee received testimony confirmed that the collection of intelligence on POWs was not a high-priority issue. Despite repeated Presidential statements about the issue's importance, Lt. Gen. Perroots confirmed that the POW/MIA issue was first listed as priority "one" as a national intelligence objective only beginning in 1986—as an exception to policy.[244] The low priority resulted in no demands on the intelligence community to provide resources to this issue for most of the period after the Vietnam War.

Analytical priorities

The Committee was provided with only one national intelligence estimate concerning Vietnam and its policy towards the POWs. The Community produced no inter-agency assessments nor any joint studies of the issue. In his deposition,[245] Rear Admiral Brooks, a former director of the DIA POW/MIA analytical effort and former Director of Naval Intelligence, stated that during his time as an intelligence official, there was no written inter-agency or Intelligence Community studies of any kind. Dr. Schlesinger said that in his time as Director of Central Intelligence in 1973, he ordered the Intelligence Community to write the first National Intelligence Estimate on Vietnam of any kind in over a decade.[246]

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[242] Dec. 1, 1992 testimony.
[243] Ibid., and Aug. 21, 1992 deposition.
[244] Perroots testimony, Dec. 1, 1992.
[245] Deposition of Rear Admiral Brooks, October 7, 1992.
[246] Deposition of Dr. James Schlesinger, September 4, 1992.

The September 1987 Special National Intelligence Estimate is the only discussion of the intentions of Vietnam regarding POWs. Admiral Inman states that during his tenure as Deputy Director of Central Intelligence, no national intelligence assessments of this issue were requested or written.

CENTRAL INTELLIGENCE AGENCY ACTIONS

Management actions

The Central Intelligence Agency management retained no formal responsibility for POW/MIA collection and analysis and has deferred completely to the Department of Defense. CIA maintained no analytical effort on this topic after the Vietnam war. The organizations that had performed this work were disbanded. This may be the only supposedly national-level issue in which CIA has taken this position.

The Directorate of Operations maintained a residual effort for a short time after the war, but this has long since been disbanded. Responsibility for follow-up collection actions fell to specific area desk officers and was a function of personal interest. One such officer in the mid-1980s was highly diligent in following up reports of prisoner sightings.[247]

Collection and special operations after homecoming

The testimony provided by retired officials indicated CIA field officers knew to report information on POW/MIAs. The investigations found that in the 19 years since Homecoming, CIA executed one collection operation, conducted one special follow-up operation, and considered, but rejected, a third special follow-up operation.

The investigation found no evidence that any live-sighting leads in the 1970s resulted in a single follow-up operation by the Central Intelligence Agency. Former senior officials based overseas stated that they found no intelligence reporting on this topic to be credible. However, one official admitted that a large amount of data was destroyed in 1975 to prevent it from being lost to the enemy. Copies of this information allegedly are still held in Thailand.[248]

CIA primacy in Laos and information sharing

All intelligence officers who testified to the Committee, including Ernie Brace who was a contract pilot held longer than any other POW, stated that CIA had the dominant intelligence interest in Laos. All information is provided to the Department of Defense. On the other hand, CIA retained no analysts assigned to analyze POW/MIA information. A former senior CIA officer admitted that this arrangement produced an anomaly whereby CIA collectors and desk officers were ostensibly accountable to DIA intelligence analysts regarding the quality of the reporting.[249]

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[247] Interview with CIA officer, October 30, 1992.
[248] Deposition of senior intelligence official, December 30, 1992.
[249] Deposition, August 21, 1992, op. cit.

Analysis or lack of it

The investigation found only one study of the POW/MIA issue written by CIA, and that was in the mid-1980s and concerned Vietnamese policy towards the U.S. That study was written by a political affairs analyst. The Directorate of Intelligence at CIA has no POW/MIA analysts. The first recent background studies written by the CIA relevant to the POW issue were two on prisons in Laos and Vietnam. These were done at the behest of the Select Committee.[250]

Current role

CIA's supporting role, management attitudes and of formal tasking reflect lukewarm support for the POW/MIA effort. The intelligence files do not suggest an aggressive posture in collecting information nor great diligence in following up. Since 1981, the POW/MIA intelligence topic has made virtually no demands for resources of any kind on "the President's intelligence agency."

THE ROLE OF THE DEFENSE INTELLIGENCE AGENCY

Background

The Defense Intelligence Agency's intelligence role in POW-MIA affairs is extensive. According to testimony provided by the Secretary of Defense, DIA is at the center of the two-tier approach used by his Department to determine the fate of U.S. service members missing in Southeast Asia. As part of the first tier, the Defense Intelligence Agency investigates and analyzes current reports of Americans being held against their will. These are called live-sighting reports.

The Secretary noted that as part of the second tier, the Defense Department relies "heavily" on DIA's analysis to reach a final conclusion on the fate of each service member for whom there has not been a final accounting. In this category, they emphasize service members who were last known alive after being reported lost or for whom the U.S. Government believes that the governments of Laos, Cambodia or Vietnam should be able to provide additional information as to the service member's status. These are called discrepancy cases.

DIA's management issues

As of Nov. 23, 1992, DoD had received 1,629 first-hand livesighting reports, most of which described real events; 85 remained unresolved but were being investigated.[251] It must be noted that each report does not necessarily correlate to a different missing service member. Numerous reports are traceable to the same individual. Nonetheless, the Secretary stated that 109 reports remained under active investigation by the Defense Intelligence Agency. In his testimony, the Acting Director of DIA identified the Agency's role in these live-sighting cases: DIA determines "the facts pertinent to

[250] These studies are contained in the annexes to the Transcript of the Hearings of the Select Committee, August 4 and 5, 1992.

[251] Letter of Nov. 23, 1992 from Duane P. Andrews, DOD Assistant Secretary for Command, Control, Communications and Intelligence.

the report and follows them to their logical conclusion." According to him, during the process DIA "is to keep policy and decision-makers and the families informed." DIA's Executive Director noted to Committee Members that DIA supports POW-MIA families directly, and also assists POW-MIA organizations. He emphasized that DIA's role is intelligence support and not policy making.

In a prepared statement to the Committee, the Principal Deputy Assistant Secretary of Defense for International Security Affairs indicated that DIA's role in assisting service casualty officers in their responsibility to keep families informed has been "problematic." According to him, Casualty Affairs Officers from each of the Military Services are responsible for discussing individual cases of POW's or MIA's with family members. He added that DIA personnel "are not trained for family outreach." The Committee agrees with his comment that DIA is an intelligence collection and analysis organization and family outreach programs are not an appropriate function for its personnel to perform.

The Committee believes that the Department of Defense must make every effort to ensure that properly trained personnel provide the necessary and fundamentally important interaction with family members. It is no secret to members of the military services, or to families, that casualty affairs has traditionally been a backwater and has not received the kind of priority it deserves. At a minimum, personnel must undergo sensitivity training before undertaking these sensitive positions.

DIA supports the Pacific Command's Joint Task Force—Full Accounting efforts to resolve POW/MIA cases, according to the Secretary of Defense. He testified to the Committee that DIA prepares a case file that provides "detailed explanations of the incident of loss, biographic data, search and rescue efforts, and other information that will assist Vietnamese and U.S. investigators in focusing on a particular case." DIA then becomes the focal point for analyzing all data that is received and for making a recommendation to the Department on whether further investigation of a particular case is required.

The Chief of DIA's Special Office for POW/MIA Affairs supported this in his statements to the Committee. He said that DIA maintains a single database which includes refugee camp reporting, first hand live-sighting reports, Department of State cables, National Security Agency reports, and Central Intelligence Agency reports. But during its review, Committee investigators found instances where relevant information may not have been provided to DIA on a timely basis. The Committee has not been able to identify a specific procedural cause for the problem, but believes that it is important enough to warrant continued review by the Executive Branch.

In addition, Committee investigators were unable to find a single, comprehensive database for all relevant intelligence information on POW's and MIA's. While DIA may feel that it possesses this single database, investigators continued to find information from different sources that DIA apparently did not have on hand. Moreover, there is no single location for the consolidation of all Intelligence Community files pertaining to POW's and MIA's. The Committee believes that since the original reason for maintaining separate files in separate agencies—that is, to support different

policy-makers who required different information for different reasons—no longer exists, it is important to bring together all previous intelligence information into one location and to continue to add to these same files as new intelligence information is developed.

In his testimony, DIA's Executive Director noted several additional DIA roles. According to him, the Agency provides intelligence support for operations conducted to recover human remains. Additionally, DIA supports POW-MIA activities handled by others in the executive and legislative branches. For example, the Assistant Secretary of State for East Asian and Pacific Affairs testified that at least from his perspective, the POW/MIA Inter-Agency Group relies "very extensively" on DIA.

DIA also attempts to keep track of the location where useful information might be found in Vietnamese files. In testimony before the Committee, former Chairman of the Joint Chiefs of Staff, General John W. Vessey, Jr. (U.S. Army—retired), testified that DIA has studied the problem of determining which Vietnamese units might possess information on missing Americans and knows which records the Vietnamese needed to produce in order to satisfy the search of the Vietnamese historical record. It is clear from the information available to the Committee that DIA's focus on this part of the historical record has been extremely important and quite useful. There is anecdotal information which indicates that even the Vietnamese have benefitted from the information DIA has told them that exists in their own files.

In his testimony, the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD-C31) stated that he had staff responsibility within the Department of Defense for overseeing the operations of DIA. He indicated that POW-MIA matters are now "treated as one of the highest priorities in the collection of intelligence." This attitude was echoed by testimony of the Principal Deputy Assistant Secretary of Defense for International Security Affairs; unfortunately, these lofty words never were translated into real action.

Several witnesses provided a different perspective on the priority that DIA has placed upon the POW-MIA issue. From their testimony, it is clear that priorities have changed throughout the period following the Vietnam War. While the history of these changes is addressed in more detail in the section of the Committee's report titled, "Change in Intelligence Priorities," the question of prioritization often arose in the more general context of DIA's ability to discharge its responsibilities. In that regard, DIA has conducted several internal reviews to assess its handling of its responsibilities.

DIA internal criticisms

Witnesses described to the Committee several DIA internal reviews of the Agency's support for POW-MIA affairs. The reviews identified shortcomings and provided recommendations for improvement. Significantly, several recurring themes are found in each of the reviews.

In February 1983, the DIA's Inspector General conducted a routine inspection of the POW-MIA Office as part of its overall

annual inspection schedule for the entire Agency.[252] According to the Inspection Team Chief at the time, the IG's Office found that the POW-MIA office was "overexposed to outside pressures" and that it was not organized for efficient operations. The Team Chief remembered that DIA's senior management focussed on taking corrective actions to the problems that his inspection team identified.

The Inspector General's Office conducted another investigation of the POW-MIA Office in late-1984 and early-1985. The investigators were trying to determine if inappropriate procedures were being used to deal with people who reported information concerning POW's and missing in action. It had been alleged that valuable information was being lost because people who had come forward were being discouraged from offering further assistance.

The inspectors found that:

> There was no indication that DIA interviewers used any procedures that intentionally downgraded, humiliated, embarrassed or abused the witness.
>
> There was no evidence to suggest that any truly knowledgeable witness could be discouraged by DIA methods for making information known.
>
> . . . these allegations of mistreatment were judged to be responses from individuals who had attempted to use the PW/MIA issue for their own purposes.
>
> . . . there can be no improvement to the worsening situation [regarding relations with members of Congress or with the public] until the policy and public relations interface is inserted between the DIA and the rest of the world.
>
> There was evidence that DIA had been and continued to be manipulated on the PW/MIA issue by entities outside the U.S. Government."

In early 1985, DIA conducted an additional internal review by having other Agency analysts critique the work of the POW-MIA Office. These analysts concluded that the Office's analytic effort was of high quality. They also commented that the Office's perceived need to respond to numerous outside requests diminished its analytic activities. Moreover, they believed that an "inordinate" amount of time was being spent on a "legalistic approach to evidence and analysis" but that outside interest in the issue probably made this expenditure of time necessary. They also believed that HUMINT in the field could be improved by adding additional collectors.

In September 1985, DIA's Assistant Deputy Director for Collection Management, Rear Admiral Thomas A. Brooks, (USN-Ret.) prepared an internal DIA memo critical of the POW/MIA effort.

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[252] The independence and objectivity of the Inspector General's office is a long-held and respected tradition within the military that dates to the American Revolution. During the period of the investigations in which the Committee was interested, the DIA Inspector General was responsible for keeping the Director:

"fully and currently informed as to the status of the Agency in regard to its compliance with the various Executive Orders, statutes, DoD Directives, and internal regulations, as well as such problems and deficiencies as may be found."

Inspectors General report directly to the DIA Director, which ensure his or her independence of any influences, either from within or from outside of DIA. He or she was specially trained at the U.S. Army Inspector General Course and had unique credentials which added credence to the authority and importance of his inspections.

This memo was prompted by approximately four months of experience during which he had responsibility for DIA's support of POW-MIA issues. In his testimony, Admiral Brooks related that during the period when he had POW-MIA responsibility at DIA, he had been surprised by the small number of people who were dedicated to analyzing POW-MIA questions since it was supposed to be the Nation's number one priority. He was also disappointed by the analytic process, the way that files were kept, and the lack of disciplined analytic techniques.

In March 1986, Col. Kimball M. Gaines (USAF-Ret.) led an internal task force at DIA which also was highly critical of the POW/MIA effort. Col. Gaines and his task force made the following findings:

> Unhealthy attitudes;
>
> Almost total lack of management—working hard but not working smart;
>
> Haphazard approach to problems and functions;
>
> Too much direct exposure of the working-level analysts;
>
> Inadequate planning, internal communication, and written guidance;
>
> Database is a wasteland;
>
> Working files unprofessional, sloppy, incomplete, no standard procedures;
>
> No disciplined, coherent, collection management effort;
>
> Too much detective work, not enough analysis;
>
> Not nearly enough admin[istrative] and intelligence technician support; and
>
> Significant ADP [automated data processing] deficiencies.

Other senior DIA witnesses commented on the Agency's performance. In his testimony to the Committee, Lieutenant General Leonard Perroots (USAF-Ret.), the Director of DIA from 1985–1989, summarized his findings concerning DIA's handling of the POW-MIA effort. Concerned about how well DIA was fulfilling its responsibilities during his tenure, he had directed two separate reviews of DIA's POW-MIA procedures.

> A major valid criticism was that insufficient resources were being expended to adequately do the collecting, analysis, and follow-up mission . . . this was especially true from '73 to '85.
>
> Another valid criticism . . . is the over-classification of information on this subject.
>
> Another valid criticism that we ultimately fixed was the criticism that there was insufficient coordination among the intelligence agencies to ensure an effective database and integrated collection and analysis effort.
>
> Another valid criticism was the lack of an adequate follow-up effort within the intelligence community. The National collection priority for POW/MIA prior to 1985 ranged from priority 7 to priority 3. We raised it to priority 1.
>
> Another valid criticism: DIA was too involved in activities which detracted from its primary mission . . . some of this was the result of our efforts to respond to every query

> from every source, whether it be the Congress, the press, the League of Families, or just interested public."
>
> Another valid criticism . . . is that we not always adequately conducted timely follow-up of reports.

General Perroots emphasized that there was never a conspiracy to cover-up information concerning prisoners or missing in action. He also emphasized that during his tenure, he worked hard to ensure that there was not a mindset to debunk intelligence reports of live Americans being held in Southeast Asia.

In his testimony to the Committee, General James A. Williams, Director of DIA from 1981 to 1985, also emphasized that there was "no mindset to debunk consciously and there was certainly no effort to cover up." Similarly, the 1983 DIA IG inspection team concluded that "analytical work in the POW/MIA office was being conducted on the assumption that some Americans were still held captive in Southeast Asia."

The testimony of Col. Joe Schlatter, the head of DIA's POW-MIA Office from 1987 to 1990 was especially noteworthy. He had been part of an official review of DIA's effort prior to becoming head of the office. During his earlier review, he reached two important conclusions that he later found to be false:

> Earlier, he believed that DIA's analytical process was flawed and that there was a mindset to debunk on the part of the Agency's analysts.
>
> After becoming head of the office, he determined that the analytic process was not flawed because the answers to the important questions could only come from files or officials of the Socialist Republic of Vietnam. Furthermore, he found that a mindset to debunk did not exist. During his testimony, he also noted that the recommendations of the most critical reports of DIA's efforts were implemented.

Col. Peck requested relief from his position as chief of the POW/MIA office on Feb. 12, 1991 because of frustrations over the management and activities of the office. Peck's letter restates most of the criticisms contained in earlier reviews, including extensive outside interference in the operations of the office. In his valedictory letter, Peck drew seven conclusions, including that people were abandoned, that the office is manipulated, that the League's director is an impediment to DIA's POW/MIA work, and that DIA is used as "the fall guy" to cover the tracks of others.

Ronald Knecht, Special Assistant for Command, Control, Communications and Intelligence, headed a management review of Peck's allegations in April 1991. A small, senior management team examined files, conducted interviews, and reviewed past reports on the organization. The team found that Peck was not qualified as an intelligence manager and was "too close to the Vietnam POW/MIA issue to be objective."

However, "the management inquiry team could not find any facts that support Col. Peck's various allegations of impropriety in the POW/MIA resolution process," the report added. Peck had been warned several times by the DIA's Director, Lt. Gen. Harry E. Soyster, about his managerial shortcomings.

Discussion

The DIA has essentially assumed Lead Agency responsibility within the Intelligence Community for POW/MIA affairs. Since the Military Services are primarily responsible for maintaining liaison with family members of POWs or MIAs and since DIA is the primary coordinating agency for defense intelligence matters, DIA's central role in providing intelligence support for POW-MIA affairs is understandable. But this role has created some problems.

On the one hand, the Director of the Defense Intelligence Agency is not routinely responsible for coordinating the efforts of the Intelligence Community. This responsibility belongs to the Director of Central Intelligence. While the Director of DIA has access to the collection, processing, analysis, and dissemination systems of the Intelligence Community, his focus traditionally has been—and should remain—on supporting the Department of Defense. Numerous examples arose as a result of the Committee's investigation where intelligence activities outside of the Department of Defense produced relevant information on POW's and MIA's. It appears most of this information eventually found its way to the appropriate personnel within DIA. Timeliness and the requirements of all-source analysis, however, demand that relevant intelligence information is available for immediate analysis and action if necessary. It is imperative that the Intelligence Community's activities on behalf of POW-MIA affairs be streamlined and centralized.

On the other hand, the closeness of DIA to the Military Services has drawn the Agency into a relationship with family members for which its personnel are untrained and unprepared. As a result, some family members have focused their frustrations on the Agency. Objective intelligence support and a sensitive understanding of family member attitudes are very difficult roles for a single agency to perform. Intelligence analysis demands a rigorous examination of ambiguous information. Family member liaison demands a sympathetic viewpoint tempered by a sense of realism. DIA has experienced great difficulty in bringing the two perspectives together.

Part of the reason for the sense of frustration felt by some family members over DIA's performance can be found in DIA's own internal investigations. Their self-generated internal reviews have created a lot of the criticisms which others have since echoed. These critiques reveal recurring themes: a diffusion of the POW-MIA effort among several agencies; diffusion of DIA's own effort; excessive influence by activities outside of the U.S. Government; disagreements over analytical judgments; defensiveness when confronted by external criticisms. Frustration also has arisen because external expectations have exceeded DIA's ability to provide many of the conclusive answers that some believe are possible. As the current DIA Director noted in his testimony, intelligence, given its inherent limitations, simply on its own cannot resolve these issues [e.g., the ultimate fate of POW/MIA's]." With the new openness in Southeast Asia, intelligence analysis is no longer the driving force behind U.S. efforts to account for missing servicemen.

The Committee believes that the Secretary of Defense must continue to improve procedures so that relevant intelligence informa-

tion is acted upon quickly by the Department, that it is provided to family members on a timely basis, and that family members are part of a competent outreach program. The Committee further believes that effective Intelligence Community support of POW-MIA affairs could be improved significantly by the creation of an interagency "Center for POW-MIA Affairs" under the Director of Central Intelligence. The Committee envisions that this center would be created from existing Intelligence Community resources and would be staffed periodically by many of the same intelligence personnel who are currently spread throughout the Community. Effective and efficient intelligence support will continue to be fundamentally important to the POW-MIA effort for the foreseeable future.

There should be consideration given about the direct intelligence support of the POW function being moved from DIA to a more appropriate spot—perhaps to CINCPAC to support the Joint Task Force—Full Accounting in a more timely fashion.

LIVE-SIGHTING REPORTS

For the past 20 years, there has been nothing more tantalizing for POW/MIA families than reports that Americans have been seen alive in Southeast Asia, and nothing more frustrating than the failure of these reports to become manifest in the form of a returning American—with the single exception of Robert Garwood in 1979.

The sheer number of first-hand live-sighting reports, almost 1,600 since the end of the war, has convinced many Americans that U.S. POWs must have been left behind and may still be alive. Other Americans have concluded sadly that our failure, after repeated efforts, to locate any of these alleged POWs means that the reports are probably not true.

Because of its importance as possible evidence that U.S. POWs are alive, and also because of its contribution to the ongoing controversy over the POW/MIA issue, live-sighting reports were a central focus of the Committee's investigation. Committee Members and staff investigators spent thousands of hours going over DIA files; hundreds of requests were made to DIA for additional documents and information; several staff and Member briefings were conducted on the subject; and two full days of public hearings were held.

Background

A live-sighting report is just that—a report that an American may have been seen alive in Southeast Asia in circumstances which are not readily explained. The report could come from anyone—a refugee, a boat person, a former political prisoner, a diplomat, a traveler—who is or has been in a position to make such an observation. The information could be firsthand or hearsay; it could involve one American or many; it could be detailed or vague; it could be recent or as far back as the end of the war.

The point is that every live-sighting report is important because it is potential evidence that a U.S. POW may have survived; until

recently, these reports were not treated as important, and accorded a high priority by DIA, however.

Conversely, there is a significant difference between a livesighting report about a Caucasian and one that positively identifies an American, which admittedly is difficult at any difference. Other identifying information increases the credibility of any live-sighting report; however, all of these reports must be pursued.

A majority of the live-sighting reports received by U.S. authorities have come from Southeast Asian refugees, many of whom were interviewed at refugee camps in Thailand or Hong Kong. In addition to reports of actual sightings of Americans, other evidence of live or missing Americans is investigated, as well. This includes reports of the location of airplane crash sites or the discovery of dog tags used as military identification by American soldiers. The total number of first-hand and hearsay livesighting reports and other related reports is more than 15,000 since 1975.

Of the 15,000 total, approximately 1,650 are first-hand livesighting reports. According to DIA, more than 70 percent of these reports have been judged accurate and relate to individuals who returned at Operation Homecoming, to American civilians stranded in Vietnam in 1975, to Robert Garwood, or to individuals whose remains have subsequently been returned. Fewer than 100 first-hand livesighting reports remain under active investigation. Of these, approximately 60 involve Americans reported to be in a captive environment. With the exception of two deserters and Garwood, none of the reports have been correlated to an American military POW or MIA alive in Vietnam after Operation Homecoming.

At least since the early 1980's, the handling of live-sighting reports has been one of the most controversial aspects of the POW/MIA issue. During 1985 and 1986, three separate internal DIA reviews criticized the agency's procedures, including its methodology for analyzing reports, evaluating sources and following up.

In 1986, for example, a Task Force headed by Gen. Eugene Tighe found that:

> . . . Over the years, the perceived mission of the PW/MIA center at DIA has changed, officially and unofficially, from analysis of the intelligence flowing into DIA on this issue to 'resolving the issue' whereby doubt is cast on the veracity of the intelligence.
>
> The modus operandi of the PW/MIA center evolved toward undue emphasis in establishing source bona fides, at the expense of analyzing, from every angle, information provided by these sources . . . an example of the effort is one case where four years were spent trying to prove that a re-education camp which was a key part of one livesighting report did not exist (this to disprove the report), only to find that the camp did indeed exist. During the intervening years, the report was not analyzed for its contribution to the overall issue . . .
>
> There is a total absence of rigorous, standard, disciplined, professional, administrative procedures . . .

> A . . . basic problem is the bias in expectations that refugees are not reliable reporters unless proven to be so . . . yet refugee accounts are the major database . . .
>
> The refugee community that has provided the bulk of the eyewitness reports strikes us as possibly the finest human intelligence database in the U.S. post World War II experience . . .

Current operations

Since the Tighe report and other critical reviews were written, the DIA POW/MIA office has expanded substantially, working conditions have improved and the ability to conduct meaningful intelligence collection activities overseas has increased. The United States now has live-sighting investigators stationed permanently in Bangkok and Hanoi and expects to have similar positions filled soon in Laos and Cambodia.

Throughout the past year, the U.S. has been negotiating with the Vietnamese concerning the extent to which the American investigators would be able to carry out short-notice inspections of prisons and other facilities in order to follow up on live-sighting reports. Efforts to develop a formal agreement with the Government of Laos are ongoing. The Cambodian Government has no objections to U.S. investigators traveling within that country, but there is no guarantee of protection in areas controlled by the Khmer Rouge.

It is important to note that live-sighting investigations are conducted jointly with Vietnamese and Cambodian officials. They are an effort to learn more and an opportunity to reach people who may provide additional information; they are not "Rambo" missions conducted covertly. Indeed, the presence of Americans in remote areas—especially when they must fly or drive in—often creates such a stir that surprise is all but impossible. The argument always can be made that a prisoner was hidden at the last moment, but these are sovereign nations and the U.S. must work with the agreements reached with them about access to their people and sites. In sum, the Committee agrees with DoD that it is better to take the opportunity to conduct live-sighting investigations than to ignore it—in the hope that U.S. investigators will be able to piece together information, and reach out to citizens.

During its first year in operation, the Joint Task Force—Full Accounting received 81 live-sighting reports, 34 of Americans said to be in captivity and 47 said to be living freely. Of the total, 64 were in Vietnam (23 captive, 41 free), five were in Laos (four captive, one free), and 12 in Cambodia (seven captive, five free). The JTF-FA conducted 40 advance-notice investigations, and 16 short-notice investigations; all but one of each were in Vietnam (Laos has not yet granted permission to conduct joint live-sighting investigations). In all, 99 live-sighting reports remain unresolved; 59 are reported to be living in captivity and 40 freely. Of these, 82 are in Vietnam (46 captive, 36 free); six are in Laos (all reported in captivity), and 11 are in Cambodia (seven captive, four freely).

In its first year, JTF-FA had provided families with 1,906 new or requested pieces of information, and 143 live-sighting reports have

been resolved, passing muster with the Inter-Agency Group charged with reviewing them.[253]

In testimony before the Select Committee, Mr. Robert Sheetz, Chief of the DIA's POW/MIA office explained his agency's methodology for evaluating live-sighting reports:

> The cycle begins with collection of the (live-sighting) information and preparation of an initial report . . .
>
> When we receive the report, it is promptly entered into our database, and an analyst is assigned responsibility for conducting immediate initial analysis. This first analytical look includes a complete search of all our databases to determine if we have any prior reporting that might shed light on this report. We look at all reports from the same geographic area. We look for similarities in stories. We check not only human source reporting, but also information from other sources available to us. When relevant, we consult special sources, such as our prison database. Once the analyst has completed first stage analysis, he or she determines whether additional follow-up is necessary and, if so, what that follow-up should be.
>
> . . . it may be necessary to reinterview the source to ask additional questions or to clarify certain issues. It may also be necessary to interview additional people, for example, persons identified by the source himself or other persons who have come from the same village or been interned in the same prison . . .
>
> Within the last year . . . DIA has finally been able to employ an additional collection method, sending personnel into Indochina to investigate reports on the ground.
>
> . . . as additional information is completed, findings are collected, and the report is reanalyzed. During this phase, we may decide to collect additional information, sending the report back to the collection phase. At some point, however, analysts in this second, more detailed stage of analysis, determine that sufficient information has been collected to evaluate the report.
>
> In the evaluation and validation stage, our analysts prepare a formal evaluation that summarizes the report, outlines other information collected, provides our analysis of the total, and indicates how the report was evaluated. These summary findings are first reviewed inhouse by other analysts and management.
>
> If approved, the summary findings are presented to a formal review panel made up of members of the intelligence community, including representatives from the Department of State, the Central Intelligence Agency, the Military Intelligence Services, the Joint Chiefs of Staff and the Assistant Secretary of Defense for International Security Affairs. . .

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[253] Dec. 1, 1992 Information Paper, submitted with Dec. 3, 1992 testimony of Admiral Charles Larson and Maj. Gen. Thomas Needham.

> The outcome of our approved evaluations are disseminated. all go into our information base . . . All reports correlated to unaccounted for persons are forwarded to the appropriate service casualty offices for release to the next of kin. Cases of high interest are briefed to the interagency group during DIA's weekly briefings to that body. Unusually significant cases are briefed to the Congressional oversight committees and to Members of Congress on a regular basis.

During the Select Committee's hearings, DIA officials cautioned about reliance on a single source of information and stressed its own reliance on "all-source" intelligence for evaluating the validity of live-sighting reports. These sources include human intelligence, signals intelligence, imagery or photographic intelligence and information provided by other agencies of the U.S. Government.

Committee investigation

During its investigation, the Committee sought to evaluate carefully some of the past criticisms that have been made of DIA methodology. These include allegations about a so-called "mindset to debunk" live-sighting reports, an over-emphasis on evaluating the source as opposed to the content of a report, a failure to correlate reports involving the same geographic area and a failure to follow up more rigorously on hearsay reports.

The examination of intelligence concentrated on the live-sighting intelligence reports. In the course of the investigation, over 2,000 sources were actually examined page by page by the investigators. Over 1,300 of these reports have been declassified and all will be in the ensuing weeks.

The Committee engaged in a spirited and lengthy debate on live-sighting analysis—its methodology and meaning. In fact, the review and analysis of live-sighting reports consumed more time and staff resources than any other single issue.

The Committee concentrated on two differing approaches for analysis of the live-sighting reports: one, put forward by a group of Committee investigators, called a "Cluster Analysis," and the other articulated by the Defense Intelligence Agency. Both approaches are described and commented on below so that readers can judge for themselves on this contentious question. The Committee divided over the validity of these approaches—ten senators finding the Committee approach sufficient only to raise additional questions but meaningless in its capacity to make a judgment that a POW remained alive. Two senators believe that the cluster analysis provides evidence Americans remained alive until 1989.

Cluster analysis methodology

Some investigators adopted a suggestion that put forward a Memorandum written by Rear Admiral Thomas A. Brooks, when he directed the DIA POW office that recommended plotting the live-sighting reports on a map to see how they cluster.[254] It was

[254] Brooks Memorandum, published in the appendix to the transcript of the Hearings of the Select Committee, 1 December 1992.

believed that the key advantage of this analytical technique was as an alternative method for reaching analytical judgements based on this information contained in a selection of the best sighting accounts.

The live-sighting intelligence investigation began in earnest in February 1992, when the Department of Defense Central Document Office began sending live-sighting files in redacted form—to protect intelligence sources and methods and to honor source requests for confidentiality—to the Office of Senate Security. In March, Room B-78 in the Russell Senate Office Building was cleared for storing materials up to the secret classification because the Office of Senate Security ran out of space to store the files referred by DIA. Most of the analysis of live-sighting files was performed in this room until it was closed in June because of a security breach.

A printout of a DIA database containing summary information on 15,559 live-sighting reports received since 1973 was a vital tool in accomplishing the analysis. The summary is sufficiently detailed to enable significant correlations in the information even without having the actual file. Thus, work on assembling information, refining the universe of data, and working towards building the cluster map could proceed without the actual files.

The investigators applied 16 filters to reduce the 15,559 to a manageable universe relevant to the charter of the Senate Select Committee—to investigate intelligence reports on men alive and in captivity after Operation Homecoming. Therefore, the investigators' working data base was purged of all information obtained after 1973 but which described sightings prior to Operation Homecoming. This reduced the universe to about 6,600 sighting files, both hearsay and eyewitness accounts.

Application of other filters further reduced the working data pool to about 1,500 reports. Filters used in this phase of reduction included the following, all of which were rejected:

Information that DIA correlated to returned POWs or men known to have died in captivity during the war, unless an examination of the file proved that correlation to be not sustainable;

All reports of single individuals living freely or in conditions that did not indicate captivity;

Reports of well-known individuals who returned alive after 1973, including Emmet Kay; the civilians captured during the fall of South Vietnam; Robert Garwood; and civilians who were captured by the Vietnamese after the war, such as those lost in the wreck of the Glomar Java Sea;

Sightings of individuals who proved to be drug and gun runners, smugglers and other scofflaws;

Sightings of men with wives and families;

Reports of men living singly without indications of captivity;

Reports from sources who retracted their story without indications of coercion;

Reports of grave sites, dog-tags, and remains;

Reports equated plausibly to other Europeans, dead or alive;

Reports from sources who were clearly lying, based on a careful review of the file.

As the final filter, the investigators rejected from the pool of 1,500 reports those that lacked specific locational information. This reduced the pool to 928 reports that were posted to a large map of Southeast Asia, based on the coordinates that were included as an entry in the printout of the DIA data base.

Using the same data base, and applying the same filters, with the same controls, the investigators worked so that any team of investigators could at least replicate the result of this team and understand how it conducted its analysis, even if it disagreed with the result.

Review of the live-sighting fles and DIA source evaluations

The review of the actual files continued while the information for the map was presented. The aim of the file review was twofold: to act as a check in the validity of the baseline used to build the data pool for the cluster analysis and to examine the quality of the intelligence analysis and follow-up performed by the original analysts. In order to preserve their own credibility, the investigators judged that they could not accept a priori any findings by Defense Department analysts as to the reliability of the sources. The documents and information in the files either supported or failed to support assessment of the source. In some instances, files that had been accepted by the investigators for inclusion in the cluster analysis were rejected for plotting based on the review of the actual file. Others that had been rejected were added, based on the contents of the files.

The investigators early on found that most of the so-called hearsay source files contained few pieces of paper in them and little follow-up. The most profitable files to examine were those labeled first-hand live-sightings or eyewitness accounts. About 225 were used in the cluster analysis. These files contained lots of paper and lots of follow-up. Every one of the first-hand accounts posted to the cluster map by the investigators had been determined to be a fabrication or a mistaken identification. A key part of the investigation was to determine whether these judgments had been fairly reached.

The guidelines for file review involved a simple test: whether the documents in the file contained sufficient information for the investigators to reach the same conclusion that was reached by the original analyst. In other words, was the DIA analysis legitimately replicable. Thus, when a source passed one or more polygraph tests but was labeled a fabricator, such as source 995 in Laos, a close examination of the documents in the file was undertaken to determine whether the file contained evidence that supported a finding of fabrication or mistaken identification of the same quality as that provided by the source. Thus, an attempt by the original analyst to refute the direct testimony of an eyewitness by using generalized information, i.e. "We knew there were Soviets in the area, he probably saw Soviets" was considered insufficient reason to reject a report (Source 724).[255]

[255] Testimony, Hearings, August 5, 1992, op.cit.

Refutations based on general statements by inmates and others that they did not hear of or see any U.S. POWs were accepted at face value. The fact the many inmates did not see POWs, while few did under special conditions, was not considered a sufficient basis to reject a report of direct, eyewitness testimony by one of the few. The investigators examined alleged discrepancies in various accounts to determine whether they were fatal to the sighting report as was often alleged. The litmus test was always replicability based on the contents of the files provided by the Defense Department.

By clustering information based on military grid coordinates and then organizing the information in each cluster chronologically, the investigators were able to perform cross-referencing of information. In one closed session briefing on 2 July 1992, the investigators briefed the Members that intelligence reports showed that POWs were taken into Laos from Vietnam at two periods, most prominently during the buildup of tensions that led to the Chinese invasion of northern Vietnam and in its aftermath. Defense Department analysts present testified that "there was no evidence that any POWs had ever been taken to Laos." The investigators read a list of 12 Defense Department sources that contradicted that statement. This disclosed a pattern of reporting from separate sources that was otherwise apparent. None of the 12 files contained any evidence that they had ever been cross referenced to each other.

Similarly, the investigators found 13 source files in which the source claimed to have seen POWs in the Hanoi Ministry of National Defense Complex, known as the Citadel, or to have worked on underground facilities used to house POWs. None of the files showed indications that they had been matched or related to each other.

Key events in the investigation

Closed session briefings on the analytical approach used by the investigators and on what the approach showed about the intelligence were held on 9 April,[256] on 12 May, and on 2 July 1992. Defense Department analysts were present at each session. In preparation for the hearings on live-sightings, a final closed session meeting was held on 29 July to enable the Defense Department an opportunity to preview the hearing.

Other analyses

The investigators pursued other lines of analysis as a compliment to the cluster map and to check it. One of these analyses, contained in a Memorandum to the Chairman and the Vice Chairman, was a cluster analysis of the source files that the Defense Department termed "unresolved live-sightings." At the time of the analysis, about 110 eyewitness accounts remained unresolved. The plot of these files failed to show cluster patterns. Statistical analysis indicated that over half of these files were sightings of persons who stayed behind by their own choice and were not in captivity. A substantial portion of those files were sighting prior to Operation Homecoming.

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[256] The text of the briefing presented on April 9, 1992 is contained in an annex to this report.

Other lines of analysis included a statistical comparison of wartime and post-war fabrication in the data. During the war, the Defense Department determined that only about 14 percent of the reporting was fabricated. Beginning in 1973, the rate jumped to about 85 percent of the reporting, within a month. This analysis was performed on Louts 123 and graphed.

Source analysis versus content analysis

Vice Chairman Bob Smith outlined the philosophy behind this aspect of the Committee's investigation in his opening statement at the August 4, 1992 hearing:

> Eight years ago, when I first came to Congress, I got involved in the POW/MIA issue. That involvement mostly consisted of meetings with DIA personnel and listening to briefings on sources. The meetings always dealt with the sources of information.
>
> Source analysis as it was presented usually meant taking interviews, talking with other refugees about a source, conducting various background checks, and sometimes giving polygraph tests.
>
> But the focus was clearly on the source more than what he said. The analysts always concluded that a source fabricated his story based on source analysis.
>
> My colleagues and I felt that something was missing. We never saw raw data, had no personal contact and saw no messages.
>
> What I now realize is that there is a second way of analyzing information called content analysis. The two other approaches complement each other in establishing the accuracy of information.

Minority view

Everyone agrees that bad intelligence sources produce bad results. Therefore, if all the sightings of U.S. POWs in captivity since Operation Homecoming are erroneous, then these reports are irrelevant. But this is not the case. Even the DIA accepts that a number of the intelligence sources are credible, such as the source known as the "mortician."

The minority could not accept at face value many of DIA's final evaluations of sources. For example, the minority would not accept DIA's resolution that a live sighting was not credible when the source passed multiple polygraphs and every item of his account had been verified. Some investigators contend that it is reasonable to draw a conclusion that a source of this quality provided credible information.

More than any other document, the Brooks Memorandum of September 1985 led the minority to accept a broader, more thorough, and more all-encompassing approach to the analysis of the intelligence. Use of a cluster-map analysis enabled Committee investigators to:

> Assess together both the hearsay and the first-hand live-sighting reports;

Mesh technical intelligence information with human source reporting;

Discover patterns and relationships in the intelligence not evident in DIA files; and

Establish a baseline to check the validity of the source evaluations done by DIA.

One of the clearest differences between the two approaches is seen in the results. In every instance that DIA found the source of a live-sighting report after 1973 to be credible, the DIA analysts left the resolution of the sighting open-ended, or decided that the source had to have been mistaken as to the identity of the persons seen, regardless of what the source said. In the former case, no additional analysis was evident. In the latter, none was needed.

The minority assessed that credible sources produced believable reports and credible information. Additional analysis could lead to additional results. By using cluster and other forms of pattern analysis, the minority learned, for example:

The existence of logistic and administrative relationships among camps in northwestern Laos and among camps in northwestern Vietnam that are not reflected in DIA documents;

Evidence of a possible second set of camps in Vietnam from which no prisoners returned; and

Differences in the policies, the patterns, and the characteristics of POW incarceration in Vietnam and in Laos.

Most importantly, the cluster-map analysis created a context for interpreting and understanding the limited amounts of signals intelligence of POW movements is Laos and Vietnam, and for the photography of alleged distress signals. In every instance, the signal intercepts and the alleged distress signals coincided with a cluster of live-sighting report posted to the map. This integration had never been done before.

In conclusion, the minority believes that, based on this analysis, the intelligence indicates a strong possibility that Americans remained alive until 1989; however, we cannot prove it.

Majority view of the committee

Ten senators concluded that while cluster analysis can possibly assist in raising legitimate questions, without adequate sources and fundamental report verification, the analysis is meaningless. Plotting ten or twenty flags representing individual reports in the close proximity on a map means very little if the reports themselves are not valid. While it may raise questions depending on the validity of the reports, it cannot in and of itself be taken as evidence of someone being alive.

In the view of the majority of senators, the plot presented by some staff investigators is fundamentally flawed because the items posted have not passed a validity test. Any meaning a cluster might purport to present is clouded when such plots include reports that are known fabrications, possible fabrications, and in some cases are characterized by a generalized reporting which in many cases lacks precise geographic location or other factual specificity.

As DIA pointed out to the Committee, the map-plot presented by some investigators included only 215 first-hand live-sighting reports, 70 percent of which the Department of Defense has judged and an inter-agency review board has approved as being complete fabrications. In addition, DIA emphasized that the other plotted reports, many of which have only limited analytic value because they lack specifics on the time and/or place of sighting.

DIA view

DIA asserts that notwithstanding the limited value of plotting nonvalid or unverified reports, they have used cluster analysis as a "tool." During the hearings on August 4th, referred to above, Major Jeannie Schiff (USAF) testified as follows:

> DIA has analyzed clusters since the mid-1980s. In fact, when a new source report is received at DIA it is standard procedure to look at all previous first-hand and hearsay reports in the same geographic area and to look at any report that contains similar information regardless of source or location.
>
> DIA briefed the results of cluster analysis to Members of Congress in 1987 . . .
>
> After careful analysis, we did not find a single report or group of reports within any of the . . . areas identified by the Senate (Committee staff) which could confirm that a U.S. POW was held against his will after the war.

DIA asserts that the Brooks Memorandum is in error. DIA maintains that, contrary to Brooks' finding ("basic analytical techniques, such as plotting all sightings on a map to look for patterns and concentrations, have never been utilized"), their analysis invoke a computer-generated plot which is more thorough than any hand plotting by analysts. DIA adds that Brooks was never responsible for the day-to-day management of the POW office and even that limited command lasted only a few weeks.

ANALYSIS OF CLUSTERS

During public hearings on Aug. 4 and 5, 1992, the Committee reviewed the DIA's overall handling of live-sighting reports and discussed, in depth, "clusters" of reports, totalling 155, in four particular areas: 1) the Hanoi Ministry of Defense area; 2) the Son La region of northwestern Vietnam; 3) northeast Laos (Viengxay area) and 4) the part of northwestern Laos known as the Oudomsai region.

Hanoi ministry of defense (Vietnam)

One cluster of 22 firsthand and 48 hearsay reports centers around a secure area in downtown Hanoi that houses the top military and intelligence offices of the Vietnamese Government. During questioning, Senator Smith cited six unresolved reports, and one previously resolved report, that mention, to one degree or another, an underground detention facility in the area, including several that refer to a prison beneath the Ho Chi Minh Mausoleum. The reports allege that American POWs had been held during certain periods in such a facility after the war.

In response, Mr. Robert DeStatte, a senior DIA analyst, pointed out discrepancies among the reports with respect to the location of the alleged detention facility and cited conversations with area residents who denied seeing any U.S. prisoners after the time of Operation Homecoming. He also expressed skepticism about the existence of an underground prison because the high water table in Hanoi would, in his judgment, make the construction of extensive underground facilities impossible.

Under questioning, DIA officials said that they had not asked the Vietnamese for permission to inspect all of the buildings cited by sources as containing a prison, nor had they examined aerial photography for evidence of construction of a prison beneath the Ho Chi Minh Memorial.

A delegation of Committee Members visited the area of the Defense Ministry on November 16, 1992 and found two underground bomb shelters, but no evidence that there is or has been an underground detention facility at the location. Nonetheless, the statements by DeStatte at the Committee's August hearing proved to be inaccurate.

During the Select Committee's final week of hearings in early December, 1992, Vice-Chairman Bob Smith noted that:

> Our intelligence agencies have confirmed the existence of, and I quote, "a below-grade infrastructure far more elaborate than one would find at a mausoleum." We have also heard from the Russian Ambassador that there is a restricted underground area beneath the Ho Chi Minh mausoleum . . . there is a very large underground area beneath Ho Chi Minh's mausoleum and the Citadel that certainly would have been large enough and secure enough to detain any number of American POWs in the 1980's.

During the hearing on December 4, 1992, DeStatte responded:

> . . . whether one can build an underground facility there or not, you'd have to check with qualified engineers. It would be my guess that if you're willing to devote the resources and the money, that you can build an underground facility anywhere.
>
> . . . (but) if the stories of an underground prison were true, then we should be able to replicate those stories, to corroborate them by interviewing other persons who are familiar with the same area, the same events, the same time periods.
>
> . . . our investigators have spoken with many persons who could have corroborated the stories if those stories were true. In the end, we're left with a large number of credible witnesses whose testimony has refuted the unsubstantiated stories of the few . . .

Mr. DeStatte also cited the statement Russian Ambassador to Vietnam Rashid Camadolin to the press on Aug. 15, 1992 in which he stated that there is a restricted underground area beneath the mausoleum in which there is a cooling device and a triple generator for protection against power outages. According to Mr. DeS-

tatte, the Russian Ambassador dismissed the possibility that US POWs were ever held in the area.

During the same hearing, Select Committee Chairman John Kerry mentioned that:

> When we were on our trip (to Vietnam) last week, we were given access to classified information. Through both technical and classified sources, we have learned at least to the satisfaction of those on the trip, that in fact there is no underground "prison" or facility in that particular location.

Viengxay (Laos)

Viengxay is located in a remote area of northeastern Laos and served as wartime headquarters for the Laotion Communist forces, also known as the Pathet Loa or LPF. During the war, LPF leaders lived in caves in the area as a protection against American bombing raids. There is also evidence that some U.S. POWs were held prisoner in the caves during the war.

Committee investigators identified 35 post-war reports of Americans in captivity in the Viengxay area, of which 13 are first-hand. Many of the reports come from individuals who claim to have worked as guards or as prison trustees in the area in which the Americans were allegedly held captive. The reports were spaced throughout the 1970's and early 80's, with the most recent dating from 1986. The reports generally cite a small number of American prisoners (no more than a dozen), held separate from other prisoners, although three reports from the 1980's cited more than 200 prisoners.

According to the DIA, the LPF did capture some American prisoners and detain them at Viengxay during at least the early part of the war. None of these prisoners returned at Operation Homecoming. In May of 1973, the plane of civilian pilot Emmet Kay went down in Laos. Mr. Kay was captured and sent to Hanoi but then returned to Viengxay where he was held captive in a cave until his release in September, 1974. Beginning in 1975, large numbers of Soviet agricultural and medical advisers began operating in the area. Sightings of the Russians and of Emmet Kay may, according to DIA, account for some of the subsequent live-sighting reports. DIA has interviewed 157 refugees who formerly resided in the region who deny that any other U.S. POWs were held in the area after 1973. The DIA dismissed as completely unrealistic the three reports of more than 200 U.S. POWs being held captive in the mid-1980's.

Son La area (Vietnam)

The Son La area is a large and relatively remote area of northern Vietnam, bordered on the south by Laos and extending almost to China. It includes a series of prisons and is about 100 kilometers west of the Yen Bai prison, which is where Robert Garwood spent most of his time. A number of the resolved sightings from the Son La area have been correlated by DIA to Robert Garwood. Between 1976 and 1978, the North Vietnamese Army operated a series of de-

tention camps for former South Vietnamese military personnel (ARVN) in the area.

Committee investigators identified 19 reported sightings of Americans in captivity in and around the Son La area. Of these reports, 9 were first-hand and 10 hearsay. Thirteen of the sightings were in the mid to late 1970's. Most involve brief, apparently accidental, sightings of a group of alleged prisoners held separate from the rest of the prison population. For example, in separate reports in 1976, one U.S. person was reportedly seen cutting bamboo, a group of 60–70 U.S. POWs were allegedly seen on a soccer field, and six POWs were apparently seen working. In 1977, there was a hearsay report that American prisoners were about to be moved, a report that 24 foreigners were seen under guard and a reported sighting of 40–50 Americans in a camp. In 1978 and 1979, there were another four reports of sightings of relatively large (30–50) groups of POWs in the area. Towards the end of 1979, China invaded this part of Vietnam and the reported sightings of large numbers of Americans stopped. Subsequent reports, all hearsay, involve the alleged sighting only of individual or small numbers of Americans.

Mr. Sheetz of DIA testified that the U.S. Government had received a total of 30 reports about the possible presence of U.S. POWs from individuals who had been under detention in the Son La area during the late 1970's, aside from the many reports correlated to Robert Garwood. Of the 30 reports, 18 were thought to be fabrications and 12 had been correlated to other types of individuals—such as Swedish development workers or Soviet advisers.

Mr. Gary Sydow, Chief of the Analysis Branch of the DIA's POW/MIA Office, testified that DIA does not believe there is any evidence that American POWs were ever held in the ARVN detention camp system in the Son La area. According to Mr. Sydow, "We've learned a lot about this system. But to hunt for PW's, this is not a place I would look." DIA officials also testified that they had interviewed more than 3700 former inmates of the prison system and been told by only a very small number about the possible presence of Americans other than Robert Garwood. According to Mr. DeStatte:

> There was a tremendous flow of information there. None of these camps existed in isolation, and while . . . there was a small number of people who said that there was a number of PW's, of Americans other than Robert Garwood, I would point out that a tremendous number—a tremendously larger number of people were in that same system who were exposed to the same information flow. They say no.

The DIA officials did testify, however, that a 1979 reported sighting of 40–50 Caucasians, while under guard, bathing in a stream alongside a road in Son La province remains under active investigation.

Oudomsai (Laos)

The Oudomsai region is a very remote area of northern Laos in which few, if any, American operations occurred during the war. Committee staff investigators identified 30 reported sightings of

American POWs in the area following the end of Operation Homecoming. Of these, six are first-hand, the rest hearsay. The reports generally relate to the detention of small numbers of Americans in caves or camps, separate from those holding Lao prisoners, in or near the five prisons in the region.

Sources of the reports were usually Lao prisoners out on work detail or individuals providing services to the prisons. The reported sightings extend in time from 1973 until 1989. The reports during the 1970's generally referred to less than 10 American prisoners, three reports from 1986 to 1989 cited between 16 and 21 prisoners.

Mr. Warren Gray, Chief of the Current Operations Branch of the DIA's POW/MIA Office, testified that there is no evidence that Americans were held in the Oudomsai region or elsewhere in Laos after Operation Homecoming. According to interviews with more than 1000 Lao refugees conducted by the DIA and other U.S. agencies, there were no U.S. POWs in the Oudomsai region. The refugees did say, however, that there were large numbers of Soviet advisers, usually travelling with an armed escort because of the presence of Lao resistance forces in the area. Several of the alleged sightings of U.S. POWs were attributed by DIA to sightings of the Soviet advisers.

Asked to summarize the DIA's view of sightings in the Oudomsai region, Mr. Gray said:

> There are several points that should be made with regard to Oudomsai, Luang Prabang, and Phong Saly, the three areas for which this cluster (of reports) was brought together. First of all . . . the Lao resistance has complete access to all three provinces. They were well-attuned to the fact that there are reward offers of millions of dollars if they bring out live POWs.
>
> They have been looking for live POWs on a daily basis. Early on, the Lao resistance turned in some hearsay reporting. They made up some of the reporting on their own and we said through their channels, knock it off. If you have valid information, we want it, otherwise do not use the POW issue for monetary gain . . . because it's not going to be accepted.
>
> But the resistance has access to those areas. We have access to the resistance leaders. They have told us to a person that if they get POW information, we'll be the first to know. They've had no valid POW information from any of these three provinces.

Summary

The question of methodology with respect to evaluating livesighting reports was revisited on December 4, 1992, during the Committee's final hearing, in the following exchange between Mr. Robert Sheetz of DIA and Vice-Chairman Bob Smith:

> MR. SHEETZ. . . . it's not enough just to take individual reports and throw them up on the map. You've got to look at them in the context of all that you know. This is another way of talking about doing all-source analysis . . .

evaluating each report in terms of what you know about the area and how the report fits in.

SENATOR SMITH. But, Bob, nobody is representing anything differently than that on the map . . .

Obviously, a firsthand report is better than a hearsay report in terms of the source. But in terms of the plotting, if 10 different hearsay reports, all independent, plot in the same grid coordinates it ought to send a signal out (that) you ought to take another look at it . . .

What is being misrepresented here is that somehow every one of these reports are valid. Nobody has said that. We just simply took the grid coordinates that were in your information and put them up there just to see where they came. And that is the way they clustered. Many of them will be bogus, as you have said.

But the point is . . . if you missed something in the past because it was not done, then it is worth a second look. And I think we ought to be . . . working together to go through those ones.

Other live-sighting reports

In addition to the examples mentioned above, there were other reports which the Committee focused on in Vietnam. An ethnic Chinese refugee left Vietnam in 1979 and related a story which DIA deemed credible.

While employed as a mortician in Hanoi, responsible for treating the stored remains of American MIAs, the refugee stated that he saw two unidentified Caucasians as late as 1979, whom he believed were "progressive" Americans who remained after the Vietnam War under the custody of the Vietnamese Government. The "mortician" has passed a polygraph examination to this effect and was deposed by the Committee during its investigation.

Another example in Vietnam on which the Committee focused were the live-sighting reports by former Marine PFC Robert Garwood, who remained in Vietnam until 1979. During a week-long deposition, Garwood told the Committee that he had seen what he believed were live American POWs between 1973 and 1978. Most notably, Garwood stated that he had seen American POWs in a prison camp at Thach Ba Lake in 1977 and in a box car at a railway crossing in 1976. Although the DIA stated as recently as June 1992 that no such prison ever existed at Thach Ba Lake, the Committee notes that the presence of this prison was confirmed by the Vietnamese to the Chairman and Vice Chairman in December 1992. Whether Americans ever were held in this facility and were moved through a railway crossing, as Garwood claims, remains under investigation.[257]

[257] There is no consensus by Committee members on the validity of Garwood's sighting reports. The Vice Chairman wishes to note that he believes Garwood is telling the truth about these sightings; Sen. McCain does not find Garwood credible because he was convicted of collaborating with the North Vietnamese and of assaulting an American POW between 1967 and 1969. Garwood's deposition, and those of all other witnesses, are available through the National Archives.

Current Status of live-sighting investigations

In April, November and December 1992, Members of the Select Committee traveled to Vietnam and Laos for discussions with officials in those countries on several subjects, including cooperation in the investigation of live-sighting reports.

In Laos, the Committee has found recent improvements in cooperation, although investigations are hindered by the hazardous geography and inclement weather that characterizes the Laotian countryside.

During meetings in Vietnam, the Select Committee repeatedly pressed officials (1) to accelerate the pace of jointly run live sighting investigations, particularly those identified as priorities by American officials, with the hope that all unresolved priority reports could be investigated by the end of the Committee's tenure; and (2) to permit what have become known as "short notice live sighting investigations." A "short notice" investigation occurs when U.S. investigators present Vietnamese officials with the details of a live sighting report and receive permission to conduct an immediate on-site investigation. The primary advantage of a "short notice" investigation is that it reduces the risk that the investigation will be compromised through the "coaching" of local residents or by the removal or alteration of physical evidence.

The degree of Vietnamese cooperation on live-sighting investigations has improved considerably, in part as a result of the Committee delegation visits. At the time of the Committee's visit in November, eighteen "priority" first-hand live sighting reports concerning Vietnam remained uninvestigated. The schedule then in place called for completion of the 18 investigations sometime in the spring of 1993. During meetings in Hanoi between November 15–17, 1992, however, the Select Committee obtained a promise from Vietnamese officials to accelerate the pace so that investigation of the 18 remaining priority cases would be completed by early December.

In fact, the Committee delegation was able to participate personally in the investigation of six of the eighteen priority cases. Under the leadership of the DIA, and with the cooperation of the Vietnamese, Committee Members and staff conducted on-site inquiries into live-sighting reports involving:

The Citadel, a secure military compound in Hanoi analogous to the U.S. Pentagon (two reports emanating from the Citadel were investigated);

The X-4 Prison in Ho Chi Minh City, analogous to the U.S. FBI;

The Rach Gia Prison in Ha Tien Province;

A mountaintop in Chau Doc Province; and

The An Diem Prison in Da Nang.

In each location, the team of Members, staff and DIA investigators searched for corroboration of details of the relevant live sighting report by surveying the physical layout and appearance of the area and by interviewing local residents. All six live sighting reports proved to be inconsistent with the information obtained during the on-site investigations, and none turned up evidence that live Americans remain in captivity in Vietnam.

Since the conclusion of the Committee's visit, the pace of investigations has continued and all of the priority investigations in Vietnam have now been completed. Unfortunately, none of these priority live sighting reports has been found to be valid.

The "short notice" live sighting investigations provide a useful gauge of the level of the Government of Vietnam's cooperation on the POW/MIA issue. These investigations often require a substantial intrusion into government operations or into the privacy of Vietnamese citizens. Despite this, the Vietnamese have been extremely cooperative recently in responding to US requests for short notice investigations. As of early December 1992, US investigators had conducted 16 short notice live sighting investigations in Vietnam.

Despite the heightened cooperation of the Vietnamese, and despite the increased focus of US officials upon the investigation of live sighting reports, the caseload for future investigatory action remains. This was illustrated by a discussion involving Senator Tom Daschle, Admiral Charles Larson, Commander CINCPAC, and Major General George Christmas, Commander of CINCPAC Operations during the Select Committee's hearing on December 4, 1992:

> Sen. DASCHLE. We talked about trying to complete the [priority] live sighting investigations by . . . the end of next week, December 10th. Are we going to be able to maintain that schedule? To what degree are you satisfied, if we can meet that schedule, that we [will] have exhausted our live sighting investigations?
>
> Admiral LARSON. Senator, I don't think we'll ever exhaust the live sighting investigations. They keep coming in. We still have 99 unresolved cases, so they come in as we resolve them. We've picked out the priority ones. DIA has assessed those as priority, have given them to us, and we pursue those as fast as we can in the field. And I think the last one is up by the Chinese border now, the folks are up there today working on that one
>
> Sen. DASCHLE. We had about eight or nine, I think, when we left [Vietnam in November 1992], and you say now those priority cases are all——
>
> Admiral LARSON. This is the last one.
>
> General NEEDHAM. Yes, sir. . . . [T]he last report I have is we were down to one, and that one was up on the Chinese border . . . and they're up there right now, in fact, may have actually finished it. But it's one that takes a couple of days to get up there and a couple of days to get back.
>
> General CHRISTMAS. But as an example, we have 24 more cases that have just arrived in Bangkok.
>
> Sen. DASCHLE. 24 more live sighting cases?
>
> General CHRISTMAS. That's correct. And we will begin—eight of those are reinvestigations, but we will begin a program then to move on with those 24. So it's very dynamic.
>
> Sen. DASCHLE. Now are those live sightings that have just recently occurred, or are they old live sightings that are being turned over to you for the first time?

Admiral LARSON. Most of these are old live sightings that have been screened and presented to us for either investigation or re-investigation. Most of the ones I screened were probably four or five—some of them were probably four or five years old, but they're not all current that are happening right now.

In early January 1993, the caseload of live-sighting investigations to be done totalled 40; JTF-FA teams returned to Southeast Asia to undertake these and other investigations on Jan. 2, 1993.

Example: Pleiku, November 1992

Another live-sighting investigation was conducted by a committee staff investigator and a member of Joint Task Force-Full Accounting (JTF-FA) November 21-25, 1992, following the departure of the committee delegation. The investigation began in Ho Chi Minh City and ended in Pleiku, Gia Lai-Kontum Province.

Acting on information provided by a Chinese-Vietnamese resident, Mr. Luu, of Tacoma, Washington, the investigation team was composed of Gary Flanagan of JTF-FA, Ho Xuan Dich, Director of the Vietnam Office for Seeking Missing Persons, and Col. William E. LeGro, Committee investigator.

Mr. Luu had provided Col. LeGro with the name and address of a Vietnamese resident of Ho Chi Minh City who had information about "William George Morgan," allegedly an American POW living freely, or being held, in the central highlands of Vietnam. The team found the source, Mr. Toan, at home in his coffee-house. As it developed, Mr. Toan had no personal knowledge about "Morgan", but agreed to lead us to someone who did. He also produced three bundles of human remains (bones and skulls), which appeared to be Mongoloid, rather than Caucasian. They were later collected by the Vietnamese for joint forensic examination.

Mr. Toan accompanied the team to Xuan Loc, a 90-minute drive east of Ho Chi Minh City. Here they interviewed Mr. Bao who also had no personal information about "Morgan," but offered to guide us to a man who did. Mr. Bao also offered three bundles of bones which also appeared upon casual inspection to be Mongoloid.

The following morning, the team picked up Mr. Bao in Xuan Loc and continued east and north on National Route 1, reaching Tuy Hoa by dark. The journey resumed the next dawn and by midmorning the team was passing through the village of Ha Tam, between An Khe and Mang Yang on National Route 19. Here Mr. Bao directed a halt in front of a small, thatched shelter and introduced the team to Mr. Anh, who told them that the source of information was Mr. Long in Pleiku and that he would guide them to Mr. Long.

The meeting with Mr. Long is described in the live-sighting report follows:

> At 1200 hours on 24 November, the team arrived in Pleiku town. At 1210 the team arrived at 83 Nguyen Viet Xuan Street, which is located on the south side, and uphill from, Route 19 on the way into the main section of Pleiku town. The team stayed close to Mr. Bao and Mr. Anh when they exited the vehicle and walked to the residence of Mr.

Long. Mr. Bao knocked on the door, and a Vietnamese male answered the door. Another man then came to the door, and Mr. Anh said that it was Mr. Long. Mr. Long invited us in and we entered the building.

The living area of the residence smelled strongly of alcohol and the man who identified himself as Mr. Ho Xuan Long appeared to have been drinking heavily. Mr. Long identified himself as a 40-year-old ethnic Vietnamese. After introducing the team, we informed Mr. Long that we had been following information leads about an American living in the Central Highlands in a remote region. During the introduction, team members noticed that Mr. Long's left arm was heavily bandaged. Subsequently, during the interview, Mr. Long occasionally appeared to be in severe pain. The team explained that Mr. Toan in Ho Chi Minh City had led us to Mr. Bao in Xuan Loc, and that Mr. Bao had led us to Mr. Anh in Ha Tam, and that Mr. Anh, in turn, had led us to Mr. Long's residence in Pleiku. The team then asked Mr. Long if he had any information on live Americans.

Mr. Long expressed some initial surprise that a joint U.S./SRV team would be visiting him and then said that he had gone with "some others" to a very remote area where an American was living. Mr. Long said that 12 or 13 other men had gone to a border defense post with him. At this point, the team asked Mr. Long who the other men were and who did the men meet with at the border defense post. Mr. Long responded in vague terms and said that the group of men had gone to the border defense post "to the west" of Pleiku at a location about ten kilometers from the Cambodian border. Mr. Long said that it took the group two days to travel to the border defense post. Mr. Long then said that he himself had never seen an American alive in that region, but he knew that the American was alive. The team asked Mr. Long how he knew the American was alive, and Mr. Long responded that he just knew the American was alive because he had heard others talking about the American. The team asked Mr. Long to identify anyone who knew of the live American, and Mr. Long refused to answer. After Mr. Long refused to answer several questions from the team members, Mr. Long responded that he would not answer any more questions. The team asked Mr. Long to reconsider, and Mr. Long changed his story. Mr. Long said that he knew that the American was alive because he had gone to a Montagnard village where all of the villagers talk about the American. The team asked Mr. Long for details about the village and the villagers. Mr. Long refused to answer.

At this point, Mr. Dich and Mr. Manh of the VNOSMP tried to impress upon Mr. Long the importance of his responding to questions from the joint team. Mr. Dich and Mr. Manh reintroduced the American members of the team, then reintroduced the Vietnamese members of the team. After reexplaining the purpose of the team's visit,

Mr. Manh asked Mr. Long if he had ever seen the American living in the highlands. Mr. Manh also asked for details about the border defense post, its numerical designator, and who was in charge of the border defense post. Mr. Long refused to answer.

Mr. Bao and Mr. Anh, who were present, but had remained silent up to this point, then asked for Mr. Long's assistance. Both Mr. Bao and Mr. Anh appealed to Mr. Long to find a way to lead the team to the location where the American was living. Mr. Bao and Mr. Anh also appealed to Mr. Long to do so as a humanitarian act and not for monetary gain. Mr. Long refused to respond to their requests. Instead, Mr. Long said that he was afraid to answer. The team informed Mr. Long that if he would describe precisely where the remote location was, the team would proceed there immediately, regardless of what type of transportation was required. Mr. Bao and Mr. Anh both asked Mr. Long to find a way to tell the team what he knew. Mr. Long said he was sorry but he would need time to think about it. Mr. Dich then asked Mr. Long if the border defense post in question was Border Defense Post 93. Mr. Dich also asked Mr. Long if the man in charge of the border defense post was Mr. Bien. Mr. Long said that he would not answer those questions. Mr. Dich then told Mr. Long that the team would leave him alone to think about the situation and would return in the evening to talk some more. Both Mr. Dich and Mr. Manh assured Mr. Long that he had nothing to fear so long as he told the truth. The team left Mr. Long's residence after notifying him that we would return at 1800 hours the same day.[258]

The interview continued, with Mr. Long becoming increasingly evasive and nervous. Finally, Mr. Long departed from his assertion that he had seen the American:

> Mr. Long, noticeably shaking, said the[n] he knew a man at a border defense post near the location where the American was kept hidden. Mr. Long repeated that he could only go to the location alone. Mr. Dich and Mr. Manh both encouraged Mr. Long to cooperate and tell the team what he knew. At this point, Mr. Long said that the only reason he only knew the story of the American living in the central highlands was because he had met a man named Huy Luu in Ho Chi Minh City at a coffee house operated by a young man named Toan. Mr. Long quickly changed the subject and said that he knew of approximately 20 sets of remains of U.S. servicemen. To substantiate this, Mr. Long went to a room at the rear of his residence and then returned with the photocopy of an identification card.
>
> The team consulted field listings of unaccounted for U.S. personnel and informed Mr. Long that the identification data on the card did not correspond to any known Americans missing in Vietnam.

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[258] JTF-FA Detachment 2 live-sighting report, Dec. 3, 1992, pp. 11-13.

> The team then questioned Mr. Long about his knowledge of remains alleged to [be] the remains of U.S. servicemen. Mr. Long said that he knew of approximately 20 such remains. When asked where the remains were and who had custody of them, Mr. Long said that he only knew of the remains because the local people who had them in their custody had approached him and asked him to help them. Mr. Long said that each of the remains was available for a price of $5,000 (USD) in gold or that all 20 of the remains could be purchased for $100,000.[259]

The team agreed that Mr. Long was evasive and probably had no information on any living American in the highlands. Mr. Dich informed Mr. Long that the People's Committee would meet with him later that evening to decide on what to do about Mr. Long's dealings in false information about Americans. This meeting took place, but the American members of the team were not invited to attend.

The following morning Mr. Flanagan and Col. LeGro attended a meeting with the People's Committee and heard from Major Hien, the commander of the border post in question. Information presented at this meeting appeared to show that the story of the American in the highlands was a venerable rumor, probably founded in the Caucasian resemblance of an old, blind tribesman who lived in a village southwest of Pleiku. It was quite apparent that Mr. Long was attempting to make his living trafficking in POW information and remains, but it was unclear whether he was a leading figure in this enterprise or part-agent/part-victim. Mr. Luu's role was also in question, as were the involvements of Toan, Bao, and Anh.

Discussion

As long as live-sighting reports remain under investigation, they constitute a measure of potential evidence that US POWs may have been left behind and survived in captivity, at least for a time. It is also possible that one or more of DIA's past report evaluations is incorrect. As rigorous as the current analytical process appears to be, it remains dependent at times on deductions that, although highly logical, are still less than 100% certain. Examples of this are cases where DIA has correlated sightings to Soviet advisers because advisers were present in an area or discounted reports because multiple other refugees from a particular area have reported seeing no U.S. POWs. The existence of a small degree of uncertainty is inevitable in making such judgments and a small degree of uncertainty is all that is—or should be—required to ensure that the live-sighting followup process continues to be taken very seriously and that evaluations be done with enormous care.

Arriving at a firm judgment about the overall significance of live-sighting reports is complicated by several factors. Many such reports are obvious fabrications. Others are so vague as to make meaningful follow-up impossible. Nailing down specific information about incidents that may have occurred ten or fifteen or more years ago is, at best, extremely difficult. And as mentioned above,

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[259] Ibid., pp. 13–14.

analytical judgments, even when professionally arrived at, often retain an element of subjectivity.

Another complicating factor in assessing live-sighting reports is the frequent need for foreign country cooperation. In that sense, the U.S. Government's official investigators are caught in what is perhaps the ultimate "Catch-22". If an apparently credible report should be received concerning the possible presence of Americans in Vietnam or Laos, cooperation from the governments of those countries may well be required to check the report out. But the very process of asking permission jeopardizes the credibility of the investigation. As a result, the DIA supplements its official requests with other means of gathering information, but these other methods may be relatively slow and uncertain. One routine but increasingly available method of gaining information consists simply of talking to average Vietnamese in their own cities and villages. The presence of full time American investigators in Hanoi and hopefully, in Laos and Cambodia, as well, should augment the amount of information collected by this method.

The Committee notes that political changes particularly in Cambodia, but also in Vietnam and Laos, have greatly expanded the number of Caucasians living or traveling freely in southeast Asia. This creates a likelihood that there will be a rising number of well-intentioned, but inaccurate, reports concerning possible American POWs. It is important that procedures be established so that the limited resources of DIA investigators are not squandered on reports that obviously do not pertain to possible U.S. POW/MIAs.

It is DIA's judgment that the live-sighting reports they have received and evaluated do not constitute "evidence" that any U.S. POWs remained in captivity in southeast Asia after the war, although the possibility that this did occur cannot be ruled out. There was considerable discussion by Committee Members during the course of its investigation about DIA's use of the term "evidence" in that statement. Some Members felt that the number and detail of live-sighting reports clearly constituted "evidence" that Americans were left behind, even if serious questions about the validity of individual reports had been raised. Other Members agreed with DIA that a large number of reports does not necessarily signify anything if there are strong reasons to discount each of the reports. No Committee Member would argue that existing reports constitute hard proof that American POWs remained behind or are still being held captive in southeast Asia.

The Committee investigation also found that:

> There is no evidence that officials or investigators from DIA have concealed or covered up information concerning the possible presence of live Americans in Southeast Asia.[260]
>
> The current DIA staff, especially those based in southeast Asia, deserve credit for an enormous and steadily increasing amount of work performed under very difficult and uncomfortable conditions.

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[260] Sen. Smith wishes to state his belief that there is evidence that officials or investigators from DIA have withheld information from Members of Congress about the possible presence of live Americans in Southeast Asia.

In order to ensure objectivity, there must be a continued and conscious effort on the part of DIA leadership to maintain an attitude among analysts that presumes the possible survival of U.S. POWs in southeast Asia to the present day.

The DIA should routinely review its analytical methods for the purpose of ensuring the most rigorous possible, all-source, evaluation of live-sighting reports, including hearsay reports where feasible.

Continued emphasis should be placed on establishing a strong, on the ground, live-sighting investigatory capability in Laos and Cambodia and on expanding that capability within Vietnam.

The highest priority should continue to be given to credible reports that live Americans are currently being held.

PILOT DISTRESS SYMBOLS

The purpose of this part of the investigation was to determine the possibility that a number of symbols and markings, identified through the use of overhead reconnaissance photography, might have been attempts by American POWs to communicate their location to U.S. intelligence collectors. These possible distress symbols, several of which match pilot distress symbols used during the war, span a period from 1973 to 1988, and as late as June 1992.

The Committee also undertook an examination into actions taken by the Government to investigate those symbols. U.S. investigators did not act on one provocative symbol, even after four U.S. Senators travelled to a remote area of Laos to investigate it themselves. It was not until the Committee scheduled a public hearing on it six months later that U.S. investigators began their work. In contrast, while it took the U.S. six months to request permission to visit the site, the Government of Laos granted permission in just two days.

Background

As part of their overall training, U.S. Air Force pilots received survival training. The Air Force's Joint Services Survival, Evasion, Resistance, and Escape Agency (JSSA) developed and conducted much of the training program. Some of the survival training during the Vietnam War-era was conducted at Fairchild Air Force Base. Another part, focused specifically on jungle survival, was conducted at Clark Air Force Base in the Philippines. The length of the courses varied. Depending on the year in which the training was conducted, the Fairchild phase could have been 12-20 days in length and the Clark phase might have been 3-5 days long. Although the program was conducted by the Air Force, some Army, Navy and Marine Corps personnel also participated. Many subjects were taught during these programs, but training that focused on ground to air signaling was of particular interest to the Committee.

Ground to air signals could consist of pyrotechnic signals, sea dye marker, mirrors, or signals based on sticks, rocks or soil which would be arranged in patterns clearly recognizable from the air. Pilots were taught to use shadows to enhance and add a three dimensional effect to the letters.

Specific letters used for the ground symbols were determined by the U.S. Pacific Command (PACOM), the military regional command responsible for the conduct of the war in Southeast Asia. The signals were changed periodically so that the secrecy of their meaning could be maintained. It appears that the practice of using letters for ground-to-air signalling started in 1966 and the style of the letters evolved throughout the war with the directive to add appendages to the letters taking effect in October 1971.

The preferred means of signalling, of course, was by a survival radio. Voice communications over these radios relied upon special authentication procedures. Normally, this would be a four digit number or "authenticator number." Once a downed pilot established communications on a survival radio, he would use the authenticator number to verify his identity with the search or rescue aircraft. This method of authentication would make it more difficult for enemy forces to mimic a downed pilot and lure unsuspecting allied aircraft into a trap. Ground-to-air signalling was an essential part of pilot survival training.

Military escape and evasion program

During the war years, the Services gave many pilots who flew in Southeast Asia individual authenticator numbers to identify themselves by radio or other means in the event of their shootdown or capture. Combat squadrons also gave their flyers primary and back-up Escape and Evasion (E&E) signals to use to identify their location, as either an evader or a POW. Some Army Special Forces troops were also given E&E distress signals for their use. These distress signals were classified and changed periodically. Pilot authenticator numbers were also classified. During the years of the Southeast Asian conflict, both national level and Service intelligence organizations were required to be alert for any Escape and Evasion (E&E) symbols marked on the ground, as part of the overall effort to recover downed pilots or identify possible detention sites for POWs. A number of Search and Rescue operations were mounted during the war, based on the detection of E&E symbols.

Investigation procedures

The Committee held hearings on this issue on October 15, followed on the 16th by a closed hearing on a 1981 covert operation, which was triggered largely by a possible distress signal. A number of depositions and interviews of DIA, CIA and JSSA personnel, related to the Symbols investigation were also completed. The investigation focused on identifying all possible symbols detected by overhead photography, all contemporaneous written documentation and analysis pertaining to such symbols, and on what efforts were taken by DIA to investigate the origin of the symbols. Most documentation has been declassified and line drawings of the possible symbols were prepared by CIA and DIA.

Possible POW signals

Because a photograph of a possible pilot E&E symbol equates to a form of physical evidence, this investigation examined possibilities, to which a tangible comparison could be made to known facts. As a hypothetical example, would a four digit number seen on a

photographic print from the mid-1980's, and which matches a classified authenticator number of a pilot listed as MIA, constitute evidence of a living POW? This was a critical question to be addressed by this investigation.

If a POW still were being held captive in Southeast Asia after Operation Homecoming, he would, inter alia, rely upon his survival training to attempt to communicate with potential rescuers. This assumption led investigators to an examination of "overhead imagery"—photographic copies of images obtained by various collection methods as viewed from an aerial perspective— to determine if symbols were being written on the ground in Southeast Asia after Operation Homecoming. Not only was the existence of the symbols important to the Committee, the Committee was also interested in follow-up actions taken by the Government to any symbols that had been detected.

It rapidly became quite clear that part of the answer to the existence of symbols lay in "imagery interpretation" or "imagery analysis." Because of the technical characteristics of the form of collection, the resolution—or precision of detail—of the objects shown on an image can lead different viewers to different interpretations of what is depicted. The interpretations are based partly on scientific analysis—the measurement of the size of an object, for example—and partly on subjective reasoning. All-source analysis helps to put an object's origins into context.

In several aerial photographs of Southeast Asia, Committee investigators detected the appearance of suspicious markings on the ground that could have been made by people wishing to signal their presence to an airborne viewer. The significance of this to the POW issue was immediately obvious. The Committee asked JSSA to determine if the markings corresponded to symbols provided to pilots during the war. During the course of this evaluation, JSSA identified what appeared to be additional symbols and numbers, some of which corresponded to authenticator numbers, escape and evasion symbols, western-style surnames, or numbers relevant to years of the Vietnam War.

The Committee was faced with two principal arguments put forward by DIA. First, while DIA concludes that two symbols clearly existed on the ground, DIA's analysis concluded that the remaining markings were unintentional phenomena of man, nature or the photo process. For example, DIA resolved that some of the possible symbols were the results of a combination of thickened rice paddy dike walls, shadows, burn marks in field, tree, logs, and rice residue from stacking of harvested rice. JSSA testified that the use of thickened rice paddy walls, burn marks, logs, trees, man-made objects such as stone walls and leaving rice residue in the ground as a means to leave a signal, are consistent with SERE training. On the two symbols which DIA concluded were intentional symbols, the 1973 "TH" photo and the 1988 "USA—possible K," DIA cannot explain their origin.

It was thus necessary for the Committee to determine if such symbols would be consistent with standard methods and training taught to pilots during the war. In this regard, the Committee has received written assessments from the proponent agency for training the creation of pilot distress signals, the Joint Services SERE

Agency (JSSA), as well as testimony in depositions and hearings, whether these symbols appear to be consistent with SERE training.

JSSA was not asked to perform photo interpretation, only to assess whether the possible symbols seen on photos match known distress symbols used during the war and judge if they appeared to conform to methods of manufacture taught to pilots during survival training.

As the Committee learned during the course of its investigation, these judgements became very problematic. The fundamental problem was to determine if the symbols actually existed as markings on the ground. Nevertheless, JSSA personnel identified what appeared to be other symbols on the print, including a number of 4-digit authenticator numbers at sites of possible symbols detected by DIA.

They correlated 19 of those authenticator numbers with numbers belonging to Americans still missing in Southeast Asia. They also identified what appeared to be a name scratched in a field near a prison compound, in a 1992 photo. The significance of this possible symbol is reflected in testimony received during the Committee's hearing on symbols:

> Senator GRASSLEY. Mr. Dussault, did you also think that you saw faintly scratched in the field?
>
> Mr. DUSSAULT. Yes, sir.
>
> Senator GRASSLEY. Without telling us the name, did you try to match it with the names on the missing list?
>
> Mr. DUSSAULT. About three days later, yes, sir. At first I didn't realize it was a name.
>
> Senator GRASSLEY. Did it match any names?
>
> Mr. DUSSAULT. To my recollection, it did.
>
> Senator GRASSLEY. Did you see, 72 TA 88?
>
> Mr. DUSSAULT. Yes, sir. To my recollection that's what I saw.
>
> Senator GRASSLEY. How did you interpret that?
>
> Mr. DUSSAULT. At first, my first interpretation of that is—72 was the year the guy went down. TA was his E&E code letters. And 88 could have been the year he arrived there or the year he left. And that was my interpretation. I don't know if that's even close. That's just speculation.
>
> Senator GRASSLEY. When you saw 72 TA 88, did it match a person that was missing?
>
> Mr. DUSSAULT. Sir, again, we are talking a year, two letters, TA—and those are E&E code letters that applied during 1972.
>
> Senator GRASSLEY. When you found the name, though, did it match when that person went down?
>
> Mr. DUSSAULT. Yes, sir.[261]

Intelligence community assessment

In testimony on October 15, 1992, the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD C3I) provided the results of DIA's assessment. During his tes-

[261] Dussault testimony, Oct. 15, 1992.

timony, he emphasized several points which helped to clarify the importance of experience in understanding overhead imagery.

He noted that the photograph used for the original analysis was a poor medium from which to draw conclusions. Imagery analysts do not use photographs. Instead they analyze the medium used by the imagery collector. These media are either film or digital representations. When other media—such as photographs—are derived from the original form and used for analysis, new information is entered into the image because a photograph represents an "averaging" of the information contained in the original medium. This could provide a potentially false view of what was originally collected by the aerial platform.

The ASD C3I also noted that imagery analysts use several important tools to assist their analysis: high technology high resolution work stations, laser light, or powerful optics. Since some of this technology is classified, he mentioned that during the Committee's open hearing, line drawings would be used to approximate the images that DIA analyzed. In a classified session, however, Committee Members had the opportunity to view the original imagery. With this background, the ASD C3I testified to DIA's assessment of the suspicious markings found on the photographs.

According to the ASD C3I, two sets of symbols are clearly man-made. The first is the symbol, 1973 TH, taken on July 10, 1973, on the Plain of Jars in Laos. Some interpreters believe that the "TH" could be a "TA" and the 1973 could be "1573." DIA attempted to correlate the four different interpretations (1973 TH, 1973 TA, 1573 TH, 1573 TA) to classic distress symbols, escape and evasion symbols, or personal authenticator numbers. Although there was no exact correlation, the ASD C3I offered several alternatives as possible explanations for the ground symbols. These included: markings made by the crew of a CIA-operated aircraft downed eight kilometers from the site on May 7, 1973; symbols made by Thai personnel captured in the area by Pathet Lao forces; markings made by members of the crew of a U.S. AC-130 gunship downed 300 miles away in southern Laos in December 1972. DIA believes that none of the alternatives are definitive and has concluded that "the origin and meaning of this symbol is unexplained and probably will remain so."

According to DIA, the second obviously man-made symbol is a USA and potential K image taken on January 22, 1988 in a rice paddy in northern Laos near Sam Neua. The ASD C3I testified that CIA discovered the symbols on the image in December 1988 and immediately brought them to DIA's attention. By then, the symbols were no longer visible on the ground, but, according to the ASD C3I, "investigative steps were promptly taken." In the period since the testimony, DIA has furnished information to the Committee which indicates that in November 1992, a joint DoD investigation team has discovered a reasonable explanation for the symbols that existed in January 1988.

The investigation team traveled to the rice paddy in November 1992 where the symbols had been seen four years previously. Permission was granted two days after requesting it from the Government of Laos; it was the DIA that "sat on" the investigation for four years. They interviewed the owner of the field who revealed

that his son had "made the USA symbol by copying it from an envelope because he liked the shape of the letters." The envelope had contained correspondence to the owner sent by a family relative living in Colorado in the United States. The owner explained that the 1988 envelope no longer existed, but he produced two recent letters from his relatives in Colorado. The investigators also talked to the son who confirmed his father's explanation and noted that in addition to the USA symbol, he also had made a stick figure of an airplane and "a symbol he called a dragon head." The son said that he made the symbols by forming arm loads of rice straw into shapes of the letters or symbols and setting them on fire.

The investigation team accepted the explanation and noted that local Lao officials seemed surprised by the revelations of the two men.

According to the ASD C3I, DIA discounted all of the other symbols. Explanations of the various suspicious markings varied considerably. Some were discounted because all-source analysts believed that there was no evidence that American prisoners were being held in the area at the time the symbol was made. Other markings were attributed to: shadows; trees; combinations of shadows, bushes and trees; natural scarring of the ground; limestone outcroppings and logs. In his testimony, the ASD C3I emphasized that JSSA personnel are trainers and are not responsible for and have little experience in accounting for MIA' s. Moreover, they are not imagery interpreters, do not have imagery interpretation equipment, and do not have access to intelligence information that would enable them to conduct all-source analysis. While well-intentioned, their original identifications lacked the experience and training essential to making such judgments.

JSSA findings

JSSA, formerly the Air Force Intelligence Support Agency, has been the DoD executive agent for POW code of conduct, survival, evasion, resistance and escape training. In 1991, Secretary Cheney designated JSSA the "executive agent for DoD U.S. POW/MIA matters and is responsible for developing, in coordination with the services and DoD agencies" a new DoD directive on managing the services escape, resistance functions and related code-of-conduct issues. It is JSSA that devises pilot distress symbols and trains how to employ them.[262]

JSSA, as documented in written evaluations, deposition and testimony before the Committee, indicated that the 1973 "TH," the 1975 roof-top markings, the 1981 possible 52K," the 1987 possible "arrow P", the 1988 "GSA possible K," the possible 1988 markings at Mouang Tan, and the possible name and associated numbers at Dong Mang in 1992 are consistent with standard SERE training, and expected actions that could be taken by a POW in captivity, or having escaped detention. They did not address whether the symbols are shadows, photographic anomalies or unintentional markings, only that they appear consistent with known symbols and methods.

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[262] ASD Memorandum to Service Secretaries and Director DIA, Dec. 23, 1991.

In regard to those markings which DIA assessed to be thickened rice paddy walls, burn marks or residue from rice stacks, JSSA had indicated that any of these would be reasonable methods of clandestinely manufactured symbols and are consistent with SERE practices. Even the clever use of shadows can be used to cast symbols, during certain times of the day. The potential use of natural geographic features to produce symbols, or even portions of symbols, is in fact a method JSSA uses to train pilots under the most restricted types of conditions.

Although downed pilots ideally would be able to construct signals large enough to be seen from any passing aircraft or satellite, it is the individual's security situation on the ground that dictates how blatant or discreet he must be in the signal's construction. Whether a detainee, under close or continuous observation, or an evader hiding in an area of high enemy activity, either would probably have to muster all his ingenuity to construct a symbol. Accepting the premise that intentional symbols may be scarcely visible or a clever mixture of natural and manmade objects has contributed to the extremely difficult task of confirming the presence of several alleged symbols.

Conversely, one reasonable criticism of the "USA" symbol, is the question of how a POW could have made such a blatant symbol while under detention. The "USA" is clear and unmistakable, while the possible "K" nearby is faint. Of course, assuming the symbols to be legitimate and not a hoax, the "USA K" would not necessarily have to be made by a POW, who was at that time under detention. In theory, it could have been made by an escapee or the boy who allegedly made the USA because he liked the shape of the letters. However, in its June 29, 1992 written analysis of the "USA" symbol, JSSA outlined a possible scenario in which the symbol could have been made by a POW under detention: [263]

> If an American crew member were living in this area and part of a labor force working these (redacted) and was part of the (redacted) where he definitely could have made a "K" in the marshalling area by repeatedly walking the same path and ensuring he stacked (redacted) where he needed them to create a "K." If the crew member happened to become frustrated after receiving no response to his "K" signal, it is reasonable to expect him to make progressively more blatant signals, including a "USA."

JSSA goes on to state that:

> While some may consider it unwise to use blatant signals, history has shown that sometimes such signals are the only ones that get the appropriate attention.

DIA determined that with the exception of the "USA" and the 1973 "TH" that all other possible symbols were the result of unintentional acts of man, nature, or photographic anomalies. This gap between what appears on photographic prints as consistent with

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[263] Nick Rowe, a POW in South Vietnam, was allowed freedom within an area of fields and rice paddies to tend crops and snare animals for food. Such a loose detention environment could provide ample opportunity for a prisoner to manufacture a symbol over a period of time. JSSA testimony during Oct. 2, 1992 briefing and Erickson deposition.

known SERE training and what disappears on the light table, or appears as shadows or vegetation, is why an independent evaluation was required by the Committee.

Intelligence community search for evader symbols since 1973

This is the first Congressional investigation to inquire into this aspect of the POW issue. No other Congressional investigative committee or body has conducted a general investigation into the possibility that markings observed on the ground may be evidence of live POWs in Southeast Asia.

The Committee was rather surprised to find that neither DIA or CIA imagery analysts were familiar with Vietnam pilot distress symbols, or had a requirement to look for possible symbols, prior to the Committee's inquiry. This was confirmed under oath by imagery analysts from both agencies. Both agencies have since been briefed on the symbols program by JSSA, and now possess this, but there was no evidence to indicate the intelligence community was attuned to watch for possible signals in Southeast Asia after Operation Homecoming.

In the deposition of Warren Gray, an all-source analyst at DIA, was the statement that DIA imagery analysts have always looked for evader signals. This statement is inconsistent, however, with interviews and depositions of DIA and CIA imagery analysts.

Chuck Knapper, DIA imagery analyst, stated he was unfamiliar with distress symbols before committee investigators asked him about symbols in an interview, in April of 1992.[264] Mr. Knapper is DIA's principal imagery analyst (one of two) dedicated to the DIA's POW imagery task.

He also stated under oath, that although Committee investigators suggested he contact JSSA to become educated in the distress symbol program, he did not arrange for such a briefing until June.[265] During his deposition he was asked:

"So for the first six to seven months that you were working POW imagery analysis you were not familiar with evader symbols?"

Knapper answered, "That's correct."

In response to the question whether he had been looking for evader symbols in the photography before he met with JSSA he replied, "I was not."[266]

When asked if his predecessor had ever given him the indication that evader symbols were something DIA was looking for in prior years, Knapper indicated that he had not.[267]

The Committee found a similar lack of knowledge on pilot distress symbols at CIA, both in interviews and depositions. In a meeting with members of CIA's Office of Imagery Analysis (OIA), analysts admitted they were unfamiliar with distress symbols and had no records or tables of symbols used during the war. Unlike DIA, the analysts at CIA admitted they should have been aware of the program, and expressed sincere interest in receiving as much information as possible. Acting on the suggestion by the Committee,

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[264] Chuck Knapper deposition, page 21.
[265] Knapper deposition, page 21.
[266] Knapper deposition, page 22.
[267] Knapper deposition, page 28.

CIA immediately arranged a briefing by JSSA and distributed tables of Vietnam ear evader symbols to their analysts.

In a subsequent deposition, Roger Eggert, a CIA imagery analyst, confirmed what had been learned in interviews regarding his agency's lack of knowledge about this program. He was asked:

"Were pilot distress symbols something that you had ever studied before spring of this year?"

His answer: "No."

"Was it anything—were pilot distress symbols anything that you ever looked for in any of your imagery analysis before spring of this year?"

His answer: "No." [268]

This lack of knowledge about pilot distress symbols is but another example of bureaucratic jealousies or incompetent coordination in critically important analyses.

Contrary to the suggestion of some Committee investigators that "there had not been a purposeful effort to search for distress symbols," some Senators agreed that there has indeed been such an effort. In fact, the two alleged E&E signals given most prominence by the Committee were discovered by U.S. Government imagery analysts. The Committee believes that a recommendation to review old photography, starting from 1973, would divert substantial effort from current operations, would duplicate efforts that have been in place for years, and would cause the expenditure of large amounts of manpower and money with no expectation of success.

Some Members also agreed that JSSA has no imagery analysts available, has no intelligence collection or analysis capability, and has no background in current intelligence operations or analysis relative to the POW/MIA issue. JSSA was not consulted because it was not in a position to offer assistance or information.

The Report states that JSSA concluded that the four symbols in question were consistent with the SERE methods and actions expected of downed pilots; some Members agreed that this statement is misleading to the point it reflects adversely on JSSA. The symbols in question are consistent with expected actions only because they are symbols, they assert. These "symbols" do not relate to any evader signal in use during the Vietnam War.

Another indicator that DIA has done little to address the possibility of distress symbols appearing on photography is its inability to account for the Army's, Navy's or Marine Corps' pilot authenticator numbers. JSSA still preserves those for the Air Force. As recorded in the hearing of October 15, DIA does not know what happened to the numbers.[269]

This is a significant failure for several reasons. First, it supports the theory that DIA has never taken the possibility of symbols seriously. Mr. Andrews' contention, in the hearing of October 15, that authenticator numbers were not meant to be laid out on the ground is misleading. Authenticator numbers were intended to be used as a means for pilots to identify themselves, primarily over their survival radio, immediately after shoot-down. This was a safe-

[268] Eggert deposition, page 21.
[269] Select Committee hearing, 15/15/92.

guard against deceptive enemy radio broadcasts, attempting to lure rescue helicopters into an ambush.

In reality, authenticator numbers were used through a number of different media during the war, including ground signals. The "1973, 1573 or 1933 TH" symbol is a probable example of an authenticator being used as a signal, in conjunction with that individual's primary and backup evader symbols.

In theory, therefore, if a POW still living in captivity, were to attempt to communicate by ground signal, smuggling out a note, or by whatever means possible, and he used his personal authenticator number to confirm his identity, the U.S. Government would be unable to provide such confirmation, if his number happened to be among those numbers DIA cannot locate.

DIA investigation of possible symbols

DIA attempted to investigate the 1973 "TH" and 1988 "USA" and, in fact, still consider both as open investigations. DIA became aware of the 1973 photograph in 1976 and the "USA" symbol nearly one year after it was taken. The delay in receiving these photos for evaluation must be attributed to DIA inaction and a passive approach to indications of the possibility of live Americans.

The area of the USA site had not been visited before the Committee delegation landed in that valley in April 1992, nearly four years later. According to the testimony of DIA's POW Operations Chief, no other investigation or site visit was undertaken for the other symbols prior to 1992.[270] The possible "arrow and P" symbols detected on 1987 imagery near Ban Nampo, Laos were not discovered until a 1992 review of old imagery, responding to a Committee request. This site is currently under DIA investigation.

DIA Investigation of the "1973 TH" Symbol. A series of low-level photographs clearly showing a set of four digit numbers, followed by the probable letters "TH" or "TA" was first imaged on May 20, 1973, in north central Laos. The site was apparently imaged again, with the numbers and letters still visible, as late as 10 July 1973. DIA did not receive the film, taken by a low-level reconnaissance platform, until 1976. JSSA first received the photograph for review in the mid-1980s.

Some have referred to the photograph as the "Thomas Hart" symbol, because of the "TH" letters stomped in the tall elephant grass. Both DIA and JSSA rule out the possibility that Captain Hart could have traveled some 300 miles from the crash site of his AC-130 aircraft to the location of the "TH" symbol. DIA believes that the symbol was possibly made by one of Emmet Ray's Hmong crew members who went down with Kay's civilian aircraft on 7 May 1973, some 8 kilometers away. Because Emmet Kay has confirmed he did not make the symbol, DIA has made several attempts to locate Kay's former crew members, but has been unable to substantiate that any one of them made the symbol.

JSSA contends that it is unlikely the symbol, a possible authenticator number followed by a possible primary and back-up distress symbol, was manufactured by Emmet Kay or any of his crew. First,

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[270] Gray deposition.

he and his crew members were captured in a relatively short period of time, and it would have been difficult to travel 8 Kilometers to the site of the symbol. Second, non-U.S. employees were not permitted access to classified authenticator numbers and distress symbols. And most importantly, JSSA notes that all were captured within three hours, yet someone had to maintain the "TH" symbol by continuously keeping the elephant grass stomped down, until at least 10 July when it was still clearly visible, nearly two months later.

JSSA also notes that the 20 May 1973 photograph, which had the best resolution among the photos, seems to reveal the number to more probably be a "1933." JSSA stated in their 15 October testimony that they would compare this number with these authenticator numbers still available, to determine if a specific name could be matched. DIA's investigation of this symbol remains open, although determining the fate of its maker after so many years is remote.

DIA Investigation of the "USA" and Possible "K" Symbols. In December of 1988, CIA discovered what clearly appeared to be a large "USA" etched into a rice paddy near the northern Lao village of Sam Neua. It was discovered in a routine search not related to the POW issue, nearly a year after the photograph was taken. It was referred immediately to DIA for evaluation.

DIA imagery analysts determined that the "USA" was man-made and made intentionally to be seen from the air. It measured 37.5 feet by 13.5 feet. Beneath the "USA" some scarring was noted that "may be interpreted as the letter "K" or the numbers "31" or "34, according to a 23 December 1988 DIA imagery analysis. Lack of recent coverage prior to the January 1988 photograph prevented DIA from determining how long the symbol may have been present.

The Committee investigation found no evidence that DIA originally considered the possibility that the possible "K," beneath the USA, might be a pilot distress symbol. Though the "USA" does not conform to any recognized evader symbols used during the war, "K" was in fact a legitimate symbol.

The appearance of a possible appendage on the "K" seen near Sam Neua, which conforms to a classified symbol used during the war, should have triggered a far more aggressive and timely response to investigate the symbol's origins. In fact, however, not one document in DIA's files dating from 1988 and 1989, mentioned the possibility that the "K" could have been a pilot distress symbol.

When shown the photograph, for the first time in 1992 by Committee investigators, members of JSSA were previously unaware of the photo's existence and moved to the conclusion that the "K" could possibly be a valid distress signal. Mr. Erickson and Mr. Dussault of JSSA restated this opinion in testimony during the hearing of October 15:

> Chairman KERRY. Now, with respect to the K up there, it has been referred to occasionally as a walking K. Without getting into great details about walking, does that appear to be a walking K?
>
> Mr. ERICKSON, JSSA. To me, it does.

Chairman KERRY. It does?

Mr. ERICKSON. Yes, it does.

Chairman KERRY. And it has the walking appearance, whatever that extra—I don't want to get into any classified area. Do you believe it's distinctly a K?

Mr. DUSSAULT, JSSA. It to me looks like a K, and that's how I think we ought to consider it. . . .

Mr. Dussault went on explain why the "USA," though not conforming to known distress signals, should not be dismissed:

Mr. DUSSAULT. Sir, in our training we try to bring out the bottom line, and that is communicate any way you can who you are and that you're there. And if the individual has tried a particular method and it hasn't worked, try something else. And in this case, in my mind, it's a possibility that the individual may have tried over the last 15 years various signals. None of those got any attention, so he's going to go with a blatant USA.

Chairman KERRY. Fair enough. Mr. Secretary (Andrews), do you have any comment on any of this?

Mr. ANDREWS. No, I don't have a disagreement with Mr. Erickson.

Chairman KERRY. So, you people would accept what they have said as the possibilities and, in fact, you are treating it that way. Is that correct?

Mr. ANDREWS. Absolutely. We don't rule out that it was made by someone deliberately trying to make a K.[271]

The Committee was unable to resolve its concern over DIA's failure to bring JSSA in to evaluate the "USA" photo, at the earliest stage of DIA's investigation. When DIA was asked in writing to explain why JSSA had not been shown the "USA and possible K" in 1988, DIA responded in a 23 July 1992 memorandum, signed by Mr. Robert Sheetz, DIA, that:

It is the judgement of DIA that the possible "K" evader symbol is most likely not an evader symbol, but is merely the spoil created when the USA letters were constructed by scraping away harvested rice stubble to expose the bare earth. . . . Having judged that the supposed letter K was most likely not an evader symbol and lacking other confirmation that U.S. POWs could be held in the area, DIA did not involve JSSA.[272]

This explanation failed to allay Committee concern, when DIA imagery analyst, Mr. Chuck Knapper, testified in a deposition that the conclusion that the "K" was created by dumping rice spoil, was new analysis from his own evaluation completed in 1992. His analysis thus differed from original DIA analysis in 1988, which referred to the possible "K" as ground scarring, not spoil. This raises the obvious question of how DIA could dismiss the possible "K" as an evader symbol in 1988 because it was merely spoil, as Mr.

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[271] Hearing, Oct. 15, 1992.

[272] Memorandum signed by Robert R. Sheetz, Chief POW/MIA, DIA, subject: Senate Questions Regarding "USA Symbol", dated July 23, 1992.

Sheetz described it, when DIA did not conclude it was spoil until 1992. Therefore, the question as to why JSSA was not shown the photo in 1988, has not been answered satisfactorily.

Through much of the Committee's investigation of the USA symbol, DIA implied that the "USA" symbol was possibly made at the direction of a POW activist operating from Bangkok. DIA admits this has not been substantiated by any evidence, but offers one plausible explanation. As previously mentioned, in late November 1992, however, a U.S. defense team again visited the site of the USA symbol. On that visit they talked to a farmer and his son who stated he made the USA symbol in the rice paddy, based on postal marking on an envelope mailed from relatives in the U.S. It should be noted that the son said he made the symbols by burning piles of rice stalks, versus either dumping spoil or digging.

The Committee has asked DIA what follow-up actions would be taken to confirm the validity of the farmer's, and his son's story, and if they considered the USA case closed. In a letter dated December 17, 1992, forwarded by CDO, DIA responded that:

> None of the previous actions underway to investigate the area of the symbol have been halted; as a matter of fact, classified, sensitive collection actions remain active and will be expanded as a means by which to check into the background and credibility of the rice farmer and his sons, and may well be expanded to cover all Lao officials introduced to the DoD team that investigated the symbol. . . . No one ever said the symbol was fraudulent or that the case is closed.[273]

Changing DIA analysis of the Possible Symbols. The Committee found it interesting that current DIA analysis often contradicts earlier DIA or CIA analyses, particularly in cases when previous analysis lends credence to the validity of a symbol's authenticity. DIA attributes this to "reevaluations." There are no cases where DIA changed its analysis in the opposite direction. There are two principal examples of this.

On the 1975 Dong Mang roof-markings, where a possible "K" was spelled out in morse-code, DIA dismissed the possibility that this facility would hold Americans by calling it a reeducation facility, that held primarily ARVN prisoners in the late seventies. Their determination was based on refugee reporting. DIA supported their contention that the facility would not hold sensitive American prisoners by showing the Committee a photograph of the facility with its front gate open.

CIA, however, noted in 1976 that the facility was "unique" in the way it was constructed:

> Walls within the compound physically and visually segregated the prisoners. . . . It is secluded in a relatively remote area and has an access control point on the road leading to the camp. . . . The visual segregation of the prisoners indicates this was not a forced labor camp.

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[273] Letter forwarded by CDO to the Select Committee, U-1684, December 17, 1992.

CIA went on to note that the "only other known prison that used internally walled compounds to segregate prisoners was the former POW compound at Dan Hoi." [274]

In the case of the "52" seen inside a prison garden at a camp in Laos in 1980, DIA states in 1992 that the "52" probably did not exist because of "variations in the size and structure of the possible numbers from observation to observation." [275] This, however, directly contradicts DIA's own analysis from 1980/81, which states in a February 23, 1981, compilation of imagery readouts over a number of days, that "the number "52" is still visible with no change . . . this lack of change indicates that the numerals may have been dug into the earth." [276]

CIA analysis at the time is summarized in an extract from a Jan. 6, 1981 "Spot report":

> Analysis of further imagery of 30 December 1980 located what appears to be the number "52," possibly followed agricultural plot inside the outer perimeter of the above facility. DIA is unable to ascribe any particular significance to the number, but "K" was given to U.S. pilots as a ground distress signal. It is thus conceivable that this represents an attempt by a prisoner to signal to any aircraft that might pass overhead.

In referring to the "52" symbol in testimony before the Committee, Assistant Secretary Andrews stated that when you look at the "total all-source picture, then I believe that it is not an unexplained symbol." It is noteworthy that multiple reports of possible POWs under detention in this vicinity, including other intelligence sources, met the priority requirement to look for this camp on imagery. (See Covert Operations Section.)

In conjunction with multiple HUMINT reports pointing to POWS being interned here, it was the discovery of the symbols in the camp's garden that energized the intelligence community and triggered a serious reaction by our government, the details of which can not be discussed in an unclassified format.[277] The actions taken do not correspond to intelligence information deemed to be low in confidence. Andrews' conclusion in 1992 clearly was not shared by the Intelligence Community in 1981.

Committee independent imagery analysis

The Committee hired two consultants, with years of experience in the field of imagery intelligence, to provide an independent evaluation of those possible symbols presenting the most controversy. Each conducted his own analysis independent of the other and arrived at his own individual conclusion. DIA provided each consultant work space and the necessary equipment in which to perform his analysis, primarily through the use of the IDEX-2 and Zoom-500 work stations.

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[274] CIA Imagery Analysis Memorandum, Dong Mang Prison Camp, dated July 6, 1992.
[275] Assistant Secretary Duane Andrews testimony, hearing of October 15, 1992.
[276] Imagery Analysis Memorandum, DIA/DB-5C, February 23, 1981.
[277] In their depositions, the former Deputy Director of CIA for Operations, and his deputy, both confirmed that it was the appearance of the symbol in the prison garden which convinced officials at the time, that further action was warranted. Their names may not be released.

In addition to being asked to evaluate the "USA possible K" at Sam Neua, the "Arrow P" at Ban Nampo, and the "A5" "LO" markings at Muang Tan, all of which had been previously identified by DIA, the consultants were asked to evaluate the alleged numbers and markings seen by JSSA on prints. This included numerous numbers in the Muang Tan area, JSSA believed to be possible authenticator numbers, and the name and numbers seen in a field outside Dong Mang (Dong Vai) prison, in which JSSA matched to the name of a MIA.

After his initial evaluation, each consultant presented his findings in a written report to the Committee. A second evaluation was performed by each consultant on possible symbols where differences arose. Those symbols on which reconciliation could be achieved, and those where it could not, were then presented to the Committee in a joint report, outlining each consultant's rationale for his final position. Although a consensus was reached on the majority of symbols, key differences remained.

Committee's Independent Consultants. Because DIA asserts these authenticator numbers and names identified by JSSA disappear when enlarged or put on the light table, the Committee employed two independent photography consultants to determine why these "symbols" appear on the prints and if they, in fact, exist.

The two consultants' analyses reaffirmed the conclusion that imagery analysis is an art as well as a science. It often fell to professional judgement calls on whether faint traces or textures seen on the image were intentionally made, or the normal photographic anomalies common to film processing and mixtures of natural shading and ground vegetation. The principal problem centered on determining whether extremely faint appearances, could have been aged symbols made weeks or months before the image, or possibly discreet attempts to place a symbol, simply because the maker would have been risking his life to construct a more blatant signal. To accept the premise that a POW under detention would only construct large block letters is limiting and would seriously undercut any attempt to conduct an open-minded evaluation.

Both consultants discounted most of the symbols identified by JSSA personnel at Mouang Tan. Most of these were attributed to tonal textures of the imagery media, naturally occurring configurations of terrain, vegetation, soil texture, farming products, and manmade objects (such as buildings). One consultant put a 30 percent probability of the "K" near the "USA" being intentionally man-made as a symbol, while the other assessed a less than 20 percent probability that it was a legitimate symbol.

One consultant initially identified two other suspicious looking markings. He later discounted these as intentional distress symbols for the same reasons as he discounted those identified previously. He noted that even dedicated analysts might initially be led astray by the imagery.

> The "fuzziness" of the paper prints and the eye-catching nature of the shadows provided the environment for a dedicated analyst to visualize what he hoped to see through the integration of the random objects—similar to

> a "connect-the-dots" puzzle or interpreting a Rorschach test ink blot.[278]

He also added comments concerning the use of shadows to create a symbol on the ground:

> The reason that shadow identification is necessary is that they change relative to the terrain, based on the time of day, season, and the taking parameters of the image collection system; therefore, they cannot be used to produce symbols.[279]

The second consultant gave a 60 percent call of confidence on a portion of a possible name seen by JSSA at Mouang Tan. In his final report, he identified seven markings that in his opinion represented either purposefully made symbols or merited further analysis and "special processing." Several of these were possible markings not previously detected by JSSA.

At Dong Mang (Dong Vai) prison, on June 1992 photography, he observed what he believed to be a "GX 2527" etched in a field near the prison. He rated this at 100 percent level of confidence in his initial report, and did not change his position during the joint review. JSSA has confirmed that "2527" matches the authenticator number of a serviceman still unaccounted for in Southeast Asia. In the same vicinity, he also found a possible name, in which he originally gave a 70 percent confidence call. His position remained unchanged after the joint review.

He also identified what he believed to be the number "1285", possibly followed by a "K" or "2", and "2852" followed by an "X" in 1988 photography of the Sam Neua site. He originally attributed a 50 percent confidence level to those possible symbols, however he determined they were not purposeful symbols in the joint review.

Review of these symbols by the other consultant did not result in agreement. His opinion attributed the symbols to shadows, vegetation or man-made features, such as walls. Nonetheless, the joint review did result in the negation of several other symbols including the "NT 2222", which had been originally identified by JSSA and initially given a 50 percent level of confidence by one consultant.

Since his conclusions left open to question the interpretations of several markings, the Committee requested DIA to conduct a final review of the relevant imagery. For this review, the Committee asked DIA to include analysts from the National Photographic Interpretation Center and CIA.

The special task force reported its findings and conclusions to the Committee in late December 1992. Six analysts, ranging in experience from six to 25 years (for an average of over 19 years of imagery analytical experience) and representing the CIA's Office of Imagery Analysis, DIA's Office of Imagery Analysis, and the National Photographic Interpretation Center, sought to reconcile the final differences between the two outside consultants. The six task force members agreed that, "none of the suspect symbols could be identified as intentionally prepared man-made markings."

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[278] Autometrics Imagery Report.
[279] Ibid.

Their conclusions on each of the six unreconciled symbols were:

Reported Symbol GX 2527: The consensus of the team was that although portions of what could be interpreted as letters/numbers were observed in the field, they appeared to be too haphazard and ill-defined to be a man-made distress signals.

Reported Symbol PAI/RA1: The consensus of the team was that some of the letters could be discerned; however, the team concluded that they were probably a combination of trails and vegetation and not intentionally prepared man-made markings.

Reported Symbol 232?: The team had great difficulty in confirming the presence of these numbers, leading to the conclusion that whatever was present was a natural configuration and not intentionally prepared man-made markings.

Reported Symbols 1104 and WRYE: The team was able to discern portions of what could be interpreted as letters and numbers; however, the team concluded that these "symbols" were probably a result of a combination of shadows and vegetation along the side of the road/trail and not intentionally prepared man-made markings.

Reported Symbol VASYA: The team concluded that it was extremely difficult to discern this "symbol" and judged that it was a combination of shadows and vegetation on the edge of a field and not intentionally prepared man made markings.

Reported Symbol 14192: After a detailed review of the area in question all of the team members concluded that the recorded symbol could not be identified on the imagery.

Once again the Committee was confronted with an Intelligence Community consensus countered by a few dissenting opinions.

Discussion

A number of questions remain open regarding the issue of possible POW distress symbols. The 1988 "USA" and 1973 "TN" symbols remain unresolved, according to DIA, and they do not dispute they were man-made. Regarding the "K" next to the "USA", Assistant Secretary Duane Andrews, stated in testimony on 15 October 1992, that "We don't rule out that it (K) was made by someone deliberately trying to make a K." The Committee, further notes the inconsistency between past and present DIA analysis on the "52 possible K" symbol at a detention camp in Laos.

The Committee cannot conclude, based on its investigation and the guidance of imagery experts, that U.S. POWs in Southeast Asia have attempted to signal their status to aerial observers. This has been a particularly important part of the Committee' s review because the logic of the investigation was clear. Prisoners held against their will might conclude that the best hope for obtaining outside help would begin by them being detected from the air. During their survival training, Air Force—and some Army, Navy and Marine Corps—pilots were taught how to construct signals using readily available material. These symbols might be visible on

imagery obtained by the U.S. Intelligence Community. Therefore, this imagery needed to be examined in detail.

For example, CIA had noted the USA symbol found on imagery taken in Laos and provided it to DIA for further review. DIA's evaluation confirmed the symbol but could not determine its origin. It is important to note, however, the relatively long period between the collection of the imagery and its provision to DIA: January-December 1988. This severely hindered any immediate follow-up action that DIA could take.

The symbol probably disappeared with the end of the seasonal rice harvest. Its maker, if a prisoner, might have been moved in the period between its construction and its discovery. But it took too long to resolve the symbol's origin. While the Committee recognizes that the changing political climate on the POW/MIA issue that is occurring between the Lao and United States Governments largely assisted in allowing DIA to investigate the symbol on the ground in Laos, four years is excessive. The Intelligence Community must respond more rapidly to potential ground-to-air signals identified on overhead imagery.

Comments concerning JSSA's survival training on ground-to-air signalling is beyond the purview of this Committee. Nonetheless, it must comment on the techniques that are being trained. The use of naturally occurring objects to construct signals is fundamentally sound. But the severe difficulty of definitively identifying these signals on overhead imagery is equally obvious. On those images in which the Committee was interested, experienced imagery analysts disagreed with each other's analyses. In addition, the Committee has been shown overhead imagery of areas around the world on which these symbols appear to exist. The relationship of these other symbols to U.S. POWs is extremely tenuous at best. It appears incontrovertible that large-scale alphanumeric combinations exist naturally. These natural occurrences can be quite misleading to any rescue attempts. They certainly caused the Committee to become concerned over POWs signalling their presence in Southeast Asia. JSSA must deal with this in the development and conduct of its training programs on ground-to-air signalling.

Recommendations

The intelligence community must respond more rapidly to potential ground-to-air signals identified on overhead imagery. If a possible symbol is the work of a POW, it is vital we visit that site immediately.

It is strongly recommended that an interagency task group of experienced imagery analysts be formed to review all available imagery of prisons or suspect detention areas in Vietnam and Laos, after 1973, for indications of possible distress symbols.

DIA and CIA should establish a closer and more formalized working relationship with JSSA. JSSA should be consulted immediately, whenever suspect symbols or questionable markings appear on imagery.

It is recommended that JSSA be permitted to attend IAG meetings, in an advisory capacity as an additional representative of the Joint Staff.

Pilot distress symbols should, immediately, be designated a priority collection requirement for Southeast Asia.

All imagery analysts with responsibilities pertaining to POW/MIA analysis, should be thoroughly briefed and preferably trained in SERE techniques and methods.

In the case of the "GR 2527" because the number corresponds to a specific individual, the Committee agrees that the benefit of doubt should go to that possible individual, certainly enough to warrant a "by-name" request by an appropriately high ranking U.S. official to the Vietnamese government, for information on that missing serviceman. In making that request, it should be emphasized to the Vietnamese that there is a basis for questioning whether he could be alive.

These symbols have been energetically pursued and explained to the satisfaction of all reasonable critics, some Members believe. It is also germane to point out that some inexperienced analysts also have been able to find "symbols" in Africa, in the state of Utah; they also can be seen in vestiges of the photo-development process. These "symbols" are in fact indicators which are not man-made, not on the ground and have no realistic basis in fact. Professional examinations have found all of these so-called "symbols" to be invalid.

In addition, some Members agree that the treatment of the "USA/possible K" symbol, the "1953/1973 TH" symbol, and the alleged "52" at a site in Laos are misleading in the extreme. The Report does not describe the extensive investigations conducted by the U.S. intelligence community into these symbols and the findings which relate to the probable origins of these symbols.

Specifically, the December 1992 on-site investigation of the "USA" symbol determined that the symbol was not a distress signal and had nothing to do with missing Americans. Some Members believe that the results of the investigation determined that the symbol was made by Hmong tribe members from Ban Houei Hin Dam village, Huoa Phan Province, Laos.

COVERT OPERATIONS

The purpose of this investigation was to determine what, if any, official U.S. covert operations may have been launched after 1973, or specifically after Operation Homecoming, to confirm the presence of live American POWs in Southeast Asia, and what intelligence information may have been available that necessitated the need for such operations.

There have been numerous allegations made of possible clandestine intelligence or military operations conducted by the U.S. government into Southeast Asia. Many of these allegations contend that such official operations succeeded in returning with confirmation of live POWs in captivity, but that information was kept secret from the American public. In May 1981, the Washington Post and other newspapers printed a story of an official incursion into Laos by American sponsored mercenaries, to confirm the presence of POWs at a specific camp monitored by U.S. Intelligence. In addition, there have been several unofficial operations mounted by private groups, attempting to penetrate Laos in search of POWs and

allegations that some of these attempts were secretly sanctioned by the U.S. Government.

Investigative procedures

This Committee held a closed hearing on October 16 into the circumstances of the alleged 1981 covert operation reported by the Washington Post. The Committee has spent many months, and conducted numerous depositions of present and former officials to determine exactly what occurred in this case. Because of the level of classification of some of this material, and in order to protect current operations and capabilities, the details of this case remain classified. Much of the intelligence information, however, leading up to this event may be ultimately declassified.

The investigation into unofficial or "private" operations focused primarily on whether there was official U.S. government sanction or support for any of these operations. Other aspects of these private forays were examined under a separate Committee investigation pertaining to oversight of private POW/MIA organizations and their activities. The private operation commonly known as "Grand Eagle" has been investigated, in regard to government support of that private initiative. We have obtained, enough documentation from Army intelligence files to allow the Committee to draw rather conclusive findings regarding official U.S support for that operation.

Discussion

The Committee has identified only one official operation mounted after 1973, to confirm the presence of American POWs in Southeast Asia; this makes the distinction between major cross-border intelligence, military or paramilitary type operations and normal intelligence operations involving collection agents or clandestine sources. There have been numerous intelligence operations involving individual sources or collection agents, with requirements relating to the POW problem.

The Intelligence relating to the 1981 operation was perhaps the most compelling and multiple source intelligence ever made available to intelligence officials and policy-makers of "possible" live American POWs still in captivity up until that time. The actions of U.S. officials in response to this intelligence attest to the quality and quantity of that intelligence.

The U.S. intelligence community had several human intelligence sources reporting the presence of American POWs held in a particular area in Laos from 1979 through early 1981. One of these was a sensitive source with unusually good access. That particular source provided a series of reports, indicating possibly up to 30 Americans working at a detention camp in Laos. The source indicated the prisoners were periodically moved from, then back to the camp on work details. Based on the HUMINT reporting, the intelligence community was able to locate a detention facility through overhead photography near a Lao village in late 1980.

A second-hand DIA source, in November 1979, reported the camp held an American POW named "Ltc. Paul W. Mercland." DIA stated in a briefing to the HFAC on 25 June 1981, that although they could not correlate a "Mercland" to any missing Americans,

there was a Paul W. Bannon lost in Laos in 1969. Lt. Gen. Tighe, then Director of DIA was at that briefing and told its members that "Mercland" could have been a mispronunciation of "American" and speculated that "Bannon" may have been inadvertently dropped as the information was passed out by the source. The secondary source passed a polygraph test given by DIA.

Admiral Tuttle, who was Deputy Director of DIA at the time, testified in his deposition that he also recalled SIGINT reports referring to American POWs at a detention camp in Laos. NSA has not been able to confirm Admiral Tuttle's memory of SIGINT reporting of Americans in Laos. Among the declassified reports found at NSA, however, was a copy of an intercept that originated from a allied government, that did report the movement of American POWs from Attepeu in late December 1980. This report, which was deemed to be unreliable by CIA at the time, was remarkably similar to an independent HUMINT report within days of intercept, that the American POWs, who had been working at Attepeu, were being moved back to a detention camp in Laos.

In late December 1980, what appeared to be the number "52" scratched in the row crop area within the compound was detected on photography. CIA, in a Jan. 6, 1981 "Spot Report" stated:

> Analysis of further imagery of 30 December 1980 located what appears to be the number "52," possibly followed by the letter "K," traced on the ground in an agricultural plot inside the outer perimeter of the above facility. DIA is unable to ascribe any particular significance to the number, but "K" was given to U.S. pilots as a ground distress signal. It is thus conceivable that this represents an attempt by a prisoner to signal to any aircraft that might pass overhead.[280]

The "52" was observed over a period of time. DIA imagery analysts in 1981, stated in an Imagery Analysis Memorandum dated February 23, 1981 that "the number '52' is still visible with no change. The lack of change indicates that the numerals may have been dug into the earth." This contradicts current DIA analysis, provided during the Committee's Oct. 15, 1992 hearing that because the "52" changed shape in different photographs, it therefore is questionable as an intentional symbol.

The "sensitive" HUMINT source reported that the American POWs had been moved to Vietnam for security reasons by the end of January 1981. Imagery analysts reported the "52" had begun to fade away by February. Other aspects of the intelligence and actions taken to confirm the presence of Americans at the camp remain classified.

A report of a sighting of one possible Caucasian at the suspect camp was received by CIA, but not reported outside the agency. CIA has been unable to answer exactly why this was not reported to DoD, State and the White House, but contend they must have had a valid reason why it was not. They have speculated that they may have determined the possible Caucasian was a Chinese prisoner, or that the reporters were fabricating.

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[280] Declassified excerpt from CIA Spot Report.

The CIA and others conducted an investigation in 1981. A key Lao member of the investigation testified to the Committee in closed session that some members of the Lao resistance tried to persuade him that he saw an American at the suspected camp. He told them he could not say that.

Later in 1981, the intelligence community interviewed a refugee who was at a camp similar to a detention camp in Laos and saw no Americans or Europeans. They admit, however, they are not certain it was the same camp, and it was during a different period than when the American POWs were allegedly detained there.

Efforts taken by the intelligence community and the U.S. military to investigate and prepare for the possibility of a rescue of live American prisoners were extensive. President Reagan and his National Security Advisor, Richard Allen were aware of this intelligence and the actions taken. It had the highest national interest.[281]

The intelligence community's actions to confirm the presence of American POWs at this camp were inconclusive. Steps were underway to resume efforts to obtain a conclusive answer, when a press leak killed any further efforts.

Private operations with official support

On the question of official U.S. support being provided to the private operation known as "Grand Eagle," U.S. Army intelligence documentation confirms that a component of Army intelligence did in fact provide a long range camera, polygraph and other equipment and financial support to Mr. Gritz in support of his group. This equipment and financial support, however, was provided in advance of that intelligence component receiving full approval to provide such support, and in fact the request (or CIOP proposal) was ultimately denied. The equipment and money had, however, already been released. (Army contact reports.)

The Committee also became aware of allegations of off-line U.S. Government (NSC) support to private organizations in regard to fundraising and movement of funds to indigenous rebel groups. Allegedly, this activity was related indirectly to the POW issue or used as a cover for providing financial support to resistance groups using non-appropriated funds. Due to time constraints, the Committee was unable to pursue these reports. This is discussed in some detail in the chapter on private fund-raising.

In 1982, the U.S. Government monitored the communications of a private organization operating from Thailand, attempting to undertake a private foray into Laos in search of POWs. DoD requested a determination from the Justice Department as to the legality of monitoring the communications of American citizens abroad. This was in fact carried out. (NSA file documents forwarded to Committee.)

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[281] Allen and Tuttle depositions and notes.

Background

Signals intelligence (SIGINT) is one of the principal sources of information used by intelligence analysts. Successful interception of communications (COMINT)—a component of SIGINT—provides an analyst with an important insight into the knowledge of the sender and receiver of an intercepted message. As is the case with the other sources of intelligence information (the so-called "INT's"), an intercepted message does not necessarily indicate that the actual contents of the message are true. On the one hand, the sender may purposely be sending an incorrect message to mislead any foreign intelligence agency that might be attempting to intercept messages. And on the other hand, the sender may not be transmitting accurate information simply because he or she does not have either a complete picture or understand the true circumstances surrounding the contents of the message. For this reason, COMINT is an important intelligence source, but it is only one source. Experienced analysts use it with other intelligence sources in order to derive a more complete intelligence picture of a set of circumstances. COMINT is one part of a complete all-source intelligence analysis.

Successful and unsuccessful SIGINT operations are closely guarded secrets. Obviously, when the capabilities of a foreign power to intercept communications becomes known, it is very easy to cut off this source of intelligence. Alternative methods of communications can be used, radio frequencies can easily be changed, encryption devices can be used or altered. Even though the Vietnam War lies twenty years behind us, there remains a strong tendency by the Intelligence Community to want to keep information developed from signals intelligence carefully controlled. The Committee continually ran into difficulties in trying to discuss this type of information during its open sessions. Nevertheless, Committee Members and Committee investigators were able to obtain relevant information during classified briefings and hearings as well as during its open sessions. Significantly, much important information has been declassified as a result of the Committee's efforts.

National Security Agency's responsibilities

SIGINT was a source of information on U.S. POW's and MIA's both during the War and during the years afterward. In a prepared statement to the Committee, senior NSA officials indicated that no mission had a "higher priority" than information pertaining to downed fliers or captured Americans. Committee investigators found that special reporting categories were established within both intelligence and operational channels to ensure that there was a rapid and clearly identifiable flow of information concerning downed fliers and prisoners.

The same NSA officials believed that there were approximately 2,000 SIGINT reports throughout the period of the focus of the Committee's interest concerning the loss, capture, or status of U.S. personnel in Southeast Asia. They stated that these reports allowed intelligence analysts during the war to develop some information that some crew members of downed aircraft did not survive the shootdown. Other reports provided information on the initial

capture and subsequent movements of prisoners by a capturing unit. The officials emphasized that all of the SIGINT information was manually processed during the war years which indicated to the Committee that retrieval and correlation of information was then quite different and more difficult than it is today using automated databases. The data from the Vietnam War era still is manually processed.

After the fall of Saigon, the National Security Agency and the military service components that support it largely dismantled their collection efforts in Southeast Asia. The elaborate collection capabilities that supported the war essentially ceased or were relocated to other trouble spots around the world. The analytical organizations that monitored signals intelligence in the region were also disbanded or sharply reduced as personnel were transferred to other assignments.

U.S. collection capabilities were further diminished during this period as Vietnam and Laos developed secure landline communications to replace the radio networks used during time of war. If officials in either country were communicating about live U.S. POWs, the likelihood that these communications would be detected by the U.S. had become remote. However, during this period, the NSA did receive third party intercepts concerning the reported presence of American POWs in Laos.

As a result of the Committee's efforts and a new retrieval strategy initiated at NSA, more than 4,500 reports were later identified that pertained to POW/MIAs. An NSA study showed that 878 of these reports could be correlated to possible POW/MIAs; 448 of these could be considered "resolved cases." That is, either an individual returned to U.S. control during Operation Homecoming or human remains were returned. By using all-source analysis, DIA further refined the conclusions that could be reached on individual cases based upon NSA's information. From this analysis, it is clear that many of the original, on-the-spot NSA analyses were understandably in error.

But in fact, the Committee found that NSA end-product reports were not used regularly to evaluate the POW/MIA situation until 1977. It was not until 1984 that the collection of information on POW/MIAs was formally established as a matter of highest priority for SIGINT. There was insufficient all-source information available to NSA at the time to make either a correct or final judgment. Nonetheless, four reports correlated to individuals as being last known alive and in captivity and seven reports indicated individuals whose status was unknown.

In conducting its review of NSA files, the Committee examined more than 3,000 post-war reports and 90 boxes of wartime files. The Committee discovered that previous surveys of NSA files for POW/MIA related information had been limited to the agency's automated data base. Hundreds of thousands of hard copy documents, memoranda, raw reports, operational messages and possibly tapes from both the wartime and post-war periods remain unreviewed in various archives and storage facilities. Most troubling, NSA failed to locate for investigators any wartime analyst files related specifically to tracking POWs, despite the fact that tracking POWs was a known priority at the time. This failure made it im-

possible for the Committee to confirm some information on downed pilots that was provided by NSA employee Jerry Mooney.

The Committee believes that DIA's review of NSA's correlations highlights the weakness of single source intelligence analysis. Many of the NSA reports indicating possible capture of an unaccounted-for American were, based on returnee debriefs and other intelligence sources, actually related to a fellow crew member who was captured and eventually repatriated to the U.S. Furthermore, according to DIA's analysis, many of NSA's original correlations were incorrect. Often several aircraft were lost at the same time within a short distance of each other, and because the NSA reports rarely identified specific locations, crew members who survived the shootdown and later were rescued frequently were mistaken for unaccounted-for personnel.

Moreover, Vietnamese units often exaggerated the number of aircraft shot down and the number of U.S. pilots subsequently captured. Similarly, it is difficult, if not impossible, to determine the overlap of multiple reporting of the same reported shootdown by adjacent Vietnamese units or nearby observers. In any event, doubt concerning the final outcome of an individual incident will always exist in some cases because signals intelligence can never provide sufficient evidence in all cases to provide conclusive proof of the specific date, time, and place of capture—or death. SIGINT can add to the quality of the analysis, but it can rarely provide unqualified conclusions.

SIGINT and DIA individual case files

The recent NSA identification of numerous relevant reports that are in addition to the 2,000 reported to the Committee in January 1992 appears to be important new information. The Committee cannot make a determination that this information will alter the status of any unaccounted-for U.S. personnel. NSF and DIA analysts now have completed a review of the additional reports and have found no new information to change the status of any missing person.

The Committee does believe, however, that pertinent reports should be placed in each individual's case file and redacted only if absolutely necessary. Having continued to emphasize to this Committee the importance of all-source intelligence analysis, DIA must ensure that all sources are made available to the analysts and investigators who have the responsibility for resolving cases both in the field and at headquarters. It is not clear to the Committee why this has not already happened in all cases.

Post-1973 reports of intercepts on possible POWs

As mentioned in the Committee's Executive Summary, by the late 1970's, the level of U.S. Government intelligence collection in Southeast Asia was far less than it was during the war. However, between 1979 and the mid-1880's, various unconfirmed reports relating to possible American POWs in Laos were collected.

As examples, in December, 1979, a third-party intercept was received indicating that three U.S. prisoners were being moved from Muoung Vieng Sai to Muong Attopeu to work in the mines. In December 1980, a third-party intercept indicated that 20 American

POWs were about to be moved from Oudom Sai province to Vientiane. In 1984, an intercept referred to the movement of 23 unidentified prisoners from Muong Sepone prison to the Tha Vang Center in Laos. In the 1984 report, NSA noted that this number corresponded with collateral information concerning the presence of 23 American POWs at a camp in Southen Laos.

Finally, in 1986, an intercept referring to the movement of unidentified "prisoners of war" to Nong Tha, Laos raised questions at NSA, because "the Lao do not normally refer to captured Thai soldiers or Lao expatriates as "prisoners of war." The Committee notes that these and other reports have raised questions concerning the possibility that American POWs might have been present in Laos after 1973. The Committee cautions, however, that none of the reports have been judged to be accurate by either the National Security Agency or the Defense Intelligence Agency.

An NSA analyst's view

The Committee was fortunate to have Senior Master Sergeant Jerry L. Mooney (USAF-Ret.) come forward and provide important insights into the problems associated with analyzing SIGINT information concerning POW's and MIA's. He has had a long association with the issue, both while assigned to the National Security Agency and also following his retirement from the Air Force. In closed and open Committee sessions, he gave an analyst's viewpoint which helped to bring into focus many of the problems associated with SIGINT's relationship to the POW-MIA issue.

Mooney stated that while assigned to the Vietnam branch of NSA, he maintained detailed files concerning losses of U.S. aircraft and the names of downed crew members. He did this through personal interest and because he was assigned the task by his superiors. His efforts were well known to his colleagues and supervisors. In the words of one supervisor, "If you wanted to know about POW-MIA's or AAA [anti-aircraft artillery], you wanted Jerry Mooney. He was the guy because he was the gatherer of information."

Unfortunately, Mooney's personal files are no longer available. According to Mooney and some of his colleagues, he developed his "working aids" in order to correlate SIGINT information with loss reports given by U.S. units. Witnesses disagreed over whether he maintained lists of information or kept the information in a file box of index cards. The difference between the two methods appears inconsequential. In either case, he maintained information that he felt undoubtedly would be useful when a final accounting was made of crew members from lost aircraft. But since these files were working aids for an individual analyst, they did not become part of the archival material maintained by NSA.

NSA archivists reported to the Committee that Mooney's files were no different than the personal working aids developed by the thousands of analysts who have worked at NSA over the years. According to the archivists, his personal working files would have been destroyed upon his departure because they were not part of the official NSA reporting process, and because NSA was not responsible for maintaining historical information that correlated SIGINT with U.S. loss reports. Furthermore, because of the sensi-

tive nature of their primary source—SIGINT—Mooney's files could not be maintained separate from the normal archival process.

According to Mooney and his NSA supervisor, the Vietnam branch of NSA was never asked to provide an overall list of their assessment of POW-MIA personnel prior to Operation Homecoming. The Committee finds this surprising. Even though NSA was not the Lead Agency for maintaining information on POW's and MIA's, it appears that it would have been routine for a senior Government official to have directed an Intelligence Community-wide search for information relevant to POW's and MIA's. NSA's information could have been useful both for the U.S. negotiators at the peace talks and for those responsible for supervising the final repatriation of U.S. personnel.

Because the inter-agency process of the Intelligence Community is subject to the same flaws in information flow as any large organization, the Committee tasked NSA to examine whether Mooney's files could have been important. Analysis indicates that with few exceptions—involving personnel declared as KIA/BNR—all relevant SIGINT was part of the casualty folders of missing personnel.

While SIGINT was used during the war to place personnel in the POW category, only a handful who were ever confirmed by SIGINT as actually being POWs did not return at Operation Homecoming. The review requested by the Committee failed to identify any instance where the appropriate SIGINT indicating capture had not been associated with the missing individual prior to Homecoming, although there was one instance resulting from the Committee's review in which an additional piece of information was located and added to an individual's file.

In fact, it was standard procedure during war-time for analysts at field intercept stations to put "analyst notes or comments" at the bottom of SIGINT reports to list potential loss candidates who might or might not correlate to the incident described in an intercept. While one can surmise that greater involvement by NSA could have somehow helped during the Homecoming accounting process, the fact remains that three separate reviews of SIGINT materials by NSA and DIA have failed to uncover any significant SIGINT materials missed or omitted relating to possible POWs.

Mooney remained concerned about the POW-MIA issue after his retirement from the U.S. Air Force. He permitted Committee investigators and NSA officials to review the extensive information that he has collected since his retirement. He reconstructed some of the information from memory, and because his NSA working aids apparently no longer exist, it was impossible to check his recollections against his Vietnam War-era information.

However, it was possible to check his "reconstructed information" against war-time SIGINT reports. Each one of Mooney's allegations was investigated by NSA, and a corresponding all-source investigation was conducted by DIA. Neither agency was able to confirm any of Mooney's allegations, particularly those involving the suspected movement of American POWs to the Soviet Union.

Interestingly, as part of his research he has identified several names of members of the foreign news media who had access to U.S. prisoners. If contacted, these individuals might be able to provide additional information on U.S. POW's. The Committee be-

lieves that this would be an appropriate task as part of an intelligence community open-source collection effort. In any event, Mooney's material has allowed Committee investigators to bring together a great deal of material as an additional check on the information that NSA has on hand. His efforts on behalf of the POW-MIA issue are greatly appreciated.

NSA and Baron 52

During the Committee's August, 1992 hearing, the Vice Chairman raised the subject of NSA reports disseminated on February 5, 1973, the same day that an EC-47Q aircraft with 8 U.S. servicemen was shot down by North Vietnamese units in Laos. The aircraft has been referred to as "Baron 52." The Vice Chairman expressed concern over the substance of the intelligence reports and the incident, in general, in view of the fact that it occurred after the signing of the Paris Peace Accords with North Vietnam.

During the same hearing, DIA analyst Robert Destatte disputed the contention that the intercepted information pertained to the EC-47. Mr. Destatte also attacked the May, 1973 NSA report possibly correlating the traffic to the EC-47 stating the report was the "musings" of NSA analyst Mr. Jerry Mooney. Finally, Mr. Destatte contended he had spoken with one of the SAR team members, Mr. Ron Schofield, who he said discarded the possibility that anyone could have survived from Baron 52. According to his testimony, Mooney believed at the time of the incident that four of the eight crew members survived the shootdown.

In January 1992, Mooney noted in his testimony that at the time the incident was reported, an unnamed DIA analyst agreed with him on the telephone that the four crew members were "gone forever." The inference in Mooney's testimony was that because of the sensitive nature of the aircraft's mission, captured crew members had been taken to the USSR.

Under questioning by one Committee member during the January hearing, Mooney admitted that he never had "direct information" that American POW's were taken to the Soviet Union. In response to another Committee member's question, he said that he "saw no evidence that they [prisoners] went to the Soviet Union." On several occasions during his testimony he said that he believed that American prisoners had been taken there, but he was unable to provide any conclusive proof to the Committee to support his judgment.

Responding to a Committee inquiry, in October 1992 DIA provided a detailed examination of many issues surrounding the Baron 52 incident. Enclosed with the examination were declassified translations of the enemy report that has led several people to different interpretations of the fate of the crew of Baron 52. Some believe that four crew members survived; DIA disagrees.[282]

According to the information provided to the Committee, the initial declassified translation of the enemy's February 5, 1973 report states: "Group is holding four pilots captive and the group is re-

[282] JTF-FA conducted a survey of the Baron 52 site in December 1992 and plans a full-scale excavation in January 1993, weather permitting. The survey team believes the full excavation may provide many answers.

questing orders concerning what to do with them." According to DIA, soon after the enemy report was received, a second, more careful translation was made, and it stated, "Group has four pirates. They are going from 44 to 93. They are having difficulties moving along the road." According to information provided to the Committee, this report with its two translations were the only sources of enemy information that led Mooney to issue an informal message on May 2, 1973. His message states:

> 1. Have reviewed all available information concerning the four fliers mentioned in the 5 Feb. message and no additional reflections or amplifying information concerning the disposition of the fliers were revealed. For your information and consideration the following is a recap of the intercept and some other observations concerning this subject.
>
> 2. Four fliers, whose nationality was not disclosed, were located on 5 Feb. in the general area north of Moung Nong. The fliers were to be transferred from "44," a probable reference to kilometer marker 44 on route 914 (XD 495254 16-30N 106-25E) to "93," a probable reference to kilometer marker 93 on route 1032 (XD 549505, 16-43N 106-27E), and were apparently en route to west of the DMZ in Laos. Two persons were to be contacted concerning movement of the POWs and if problems were encountered, high HQS was to be notified to supply "ways and means" (references to trucks) to move the fliers. Sufficient water was to be given to the fliers.
>
> There had been some difficulties in transporting the fliers and asked to see if these problems had been resolved so movement could continue. The person also asked that he be notified of their time of departure as he was waiting for them.
>
> Although the initial location given, is some 65 km from the crash site it is possible that at least part of the crew were able to bail out prior to the crash and therefore could have been closer to this point than the crash site when they were captured. Further, since vehicle transportation was indicated, rapid movement is reasonable. It is possible that these four fliers were part of the crew of the EC-47.

Since Mooney's May 1973 message refers to a single enemy February 5, 1973 report and the translations of the report available to the Committee appear complete, the Committee finds it difficult to arrive at the same conclusions reached by Mooney in his May 1973 message. For example, it appears that the enemy report contains no information concerning the pilots being located near Moung Nong. It does not mention water being given to the fliers. It does not refer to the supply of "ways and means," making Mooney's conclusion concerning trucks pure conjecture.

Nor does the Committee agree with the DIA belief that it was unlikely that the enemy unit would have used kilometer markers as reference points in this type of report because using them violated basic operational security (OPSEC) practices. Other, similar types of reports have been furnished to the Committee, and enemy

units used kilometer markers as reference points in those reports. But the Committee concurs with DIA's view that even if the enemy report referred to kilometer markers 44 and 93—which is speculative—more detailed all-source intelligence information than that available to Mooney would have been necessary in order to place the theorized kilometer markers on routes 914 and 1032 in Laos.

For example, DIA conducted a terrain analysis and found that a chain of mountains exists between the two routes identified by Mooney in May 1973, and that the routes are headed in different directions. Substantial distance exists between the Baron 52 crash site and the spots determined by Mooney to be the locations of the possible kilometer markers. Furthermore, the aircraft's speed and reported flight path would not have brought it close to these markers.

In addition, in order to ascertain that the numbers 44 and 93 contained in the enemy report referred to specific kilometer markers, Mooney would have had to confirm that the kilometer markers existed as landmarks in that war-torn country in February 1973 and were available to enemy units either as land navigation aids or as reference points. Having evaluated the information provided by Mooney and the intelligence information and analysis provided by DIA, the Committee believes that Mooney's analytical judgments regarding the Baron 52 incident are largely speculative and unsubstantiated. There is no firm evidence that links the Baron 52 crew to the single enemy report upon which Mooney apparently based his analysis.

The Committee notes that it cannot prove or disprove whether or not the intercepted information pertains to the capture of crewmembers of the Baron 52. Evidence from the crashsite indicates that no crewmembers survived, although there was a chance, however slim, that crewmembers bailed out before the crash. Moreover, the Committee notes that written documents dated in May, 1973 indicate that Dr. Shields, NSA, and DIA representatives all believed that there was a possibility Americans had been captured from this incident. Finally, we note that during an October, 1992 deposition, Mr. Ron Schofield disputed Mr. Destatte's characterization of his comments pertaining to this incident.

At publication time, an excavation of the Baron 52 crash site was planned for January 1993. JTF-FA teams returned to Southeast Asia on Jan. 2, 1993 to begin another 30 days' work.

Intelligence support in Laos

During the Vietnam War, intelligence support for the U.S. effort in Laos was different than for the other countries in the war-time theater of operations. According to testimony by former Secretary of Defense Melvin Laird, the Secretary had to rely upon intelligence information from CIA and the Department of State. DIA did not have much of a collection capability in Laos. He mentioned that human intelligence reporting was weak. Secretary Laird testified that he recommended a program to the U.S. Ambassador to Laos which was designed to improve intelligence support there. Additionally, in a memorandum dated September 9, 1971, Secretary Laird articulated a concern to the Chairman of the Joint Chiefs of Staff, Admiral Thomas Moorer, that poor intelligence support was

affecting the POW effort. He feared that the lack of reliable intelligence was "hindering United States Government efforts to recover prisoners of war and MIAs." There was an inference in the memo that the U.S. embassy in Laos was reluctant to accept military intelligence assets.

Ambassador MacMurtrie Godley, U.S. Ambassador to Laos, 1969–73, denied in his testimony that any such reluctance existed. He noted that a Military Intelligence team operating from Thailand had been a problem because it was responsible for intelligence reporting that often was inaccurate and required correction by the Embassy in Vientiane. Under questioning by one Committee Member, he indicated that the collection of information on POW's and MIA's in Laos had "top" priority. He said that any intelligence assistance that could be obtained at the time was most welcome. Under additional questioning by the same Committee Member, however, the Ambassador agreed that he turned down an offer by the Joint Chiefs of Staff for additional intelligence assets. He was unable to provide little explanation for his decision other than, "What would you do with them?"

Committee staff reviewed declassified and unredacted material relating to the U.S. Army's HUMINT Exploitation Team in Laos, Project 5310-03-E. The staff did not review extensively either all Attache archival reports or documents of Project 404, the organization providing augmentation to the Attache system in Laos, but did review hundreds of war-time HUMINT raw intelligence reports received from Laos, many from this one team.

The dossier of the Exploitation Team, supplemented by intelligence reports declassified by DIA in December 1978, provide evidence that Ambassador Godley fully supported the U.S. military's presence in Laos. There is direct evidence the Team's organization, mission, and structure was appropriate to war-time conditions there. However, there is also evidence that DIA was less than enthusiastic about both the team and its operations.

The Team's concept of operations began in 1970, when the Army Attache, Lt. Col. Ed Duskin, invited an Army survey team to Laos to explore what more could be done, particularly in the area of POW/MIA intelligence. The Team concluded that experienced HUMINT personnel were needed. Declassified messages demonstrate that a recommendation to this effect was wholeheartedly supported by the attache staff, the CIA station, and the Ambassador. The first U.S. Army interrogation officer and a member of the initial survey team [283] arrived in Vientiane in March 1971. A field-grade team officer arrived that summer. Two additional case officers arrived in 1972 to augment the Team.

Operating within U.S. Embassy guidelines designed to downplay the U.S. presence, the Team employed a small staff of locally hired and Team-trained interrogators, including former North Vietnamese Army Capt. Mai Dai Hap. Hap was the major contributor to the Rand Corp. 's war-time study on Laos.

The Team operated as a joint U.S. effort with the Royal Lao Army intelligence staff, which from the outset included daily con-

[283] Presently a Committee investigator.

tacts with the Lao Army Headquarters and Military Region 5. By 1972, this was expanded to include all other military regions in Laos, and was done with close coordination and cooperation with CIA station staff.

Beginning in 1971, the Team ensured all North Vietnamese Army and Pathet Lao prisoners and defectors were interrogated in detail on a wide variety of in-country, theater, and national intelligence requirements. Declassified documents confirm that information on U.S. POWs and MIAs was the first subject covered with all these sources. This small Exploitation Team produced all military HUMINT originated reports from Laos during 1971–75 and averaged one report per day.

Every North Vietnamese Army and significant Pathet Lao soldier arriving at Vientiane was interrogated in detail; however, with the majority of U.S. POWs who survived into captivity being taken to North Vietnam within a matter of days or weeks, there were no known prison camps for U.S. POWs available for exploitation by the Joint Personnel Recovery Center or U.S. led paramilitary forces.

The team's archival records confirm that the problem with wartime HUMINT reporting in Laos was the lack of prisoners and defectors (called ralliers by the North Vietnamese). For example, during 1964–74, there were slightly more than 150 North Vietnamese Army POWs who reached Vientiane. The precise number of defectors may have been a similar amount. This was a drop in the bucket from the tens of thousands of North Vietnamese Army forces from Military Region IV and the 559th Group operating the Ho Chi Minh Trail.

However, these prisoners and defectors were primarily from frontline tactical units, had recently been rotated into Laos, and were not from the rear-area logistical groups where most U.S. airmen were lost. Thus, the prisoners and defectors often had more information about aircraft losses over North Vietnam than over Laos.

The Pathet Lao saw little sustained combat after the mid-1960s, being almost entirely a North Vietnamese by-controlled effort, and their force structure in Laos was negligible. It shrank to almost nothing in southern Laos in 1972, when nearly the entire South Laos Regional Command Headquarters, and all major subordinate units, defected to the Royal Lao Government. A key ingredient in Laos was its severe underpopulation—less than four million people. Laos was half the geographical size of Vietnam, with onetenth its population.

The Team did not operate in isolation to the remainder of the U. S. intelligence organization in the region. The team regularly coordinated with the Order of Battle Center in Udorn, Thailand; intelligence exploitation centers in South Vietnam; and with both Lao and Thai military intelligence officials. The Team was withdrawn from Laos in the Spring of 1975, after local staff came under increasing pressure from the Pathet Lao in Vientiane. The project was terminated at the end of 1975.

Archival records of this Tea confirm that the Team conducted its first behind-the-lines agent operation in 1972. Other operations followed later, and declassified documents confirm that DIA was op-

posed to them, notwithstanding its objective to gather POW/MIA intelligence.

All such agent operations had to be conducted from Thailand and were suspended in 1975 upon the direction of the U.S. Ambassador. The focus of these operations was POW/MIA intelligence from Pathet Lao areas of Laos and from Hanoi in North Vietnam. They did not take place for the obvious reason, demonstrated elsewhere in this Report, that DIA and others at the national level no longer viewed the subject as the nation's intelligence priority.

Other NSA sources

The Committee found no evidence to corroborate claims by Terrell Minarcin; sources Minarcin suggested investigators interview and others said his claims were unfounded. Although Barry Toll did occupy the position of Intelligence NCO on the CINCLANT Airborne Command Post and did have access to sensitive message traffic, Committee investigators were unable to locate any former crew members of his team who could corroborate the messages he claims to have seen. His former Army JAG lawyer did corroborate partly his allegations that DIA continued to monitor his whereabouts after his military discharge.[284]

Chapter 5: Goverment Policies and Actions

Presidents Nixon, Ford, Carter and Reagan

As part of its effort to conduct the most thorough investigation possible, the Select Committee asked former Presidents Richard Nixon, Gerald Ford, Jimmy Carter and Ronald Reagan to grant the Committee access to POW/MIA-related materials in their Presidential libraries and to submit to formal depositions regarding the handling of POW/MIA-related issues during their administrations. The Committee recognized that the doctrine of Executive Privilege applied to former administrations, but hoped that the former Presidents, realizing the volatility of the issue, would agree to waive the privilege. Because of unique concerns about Executive Privilege and the Constitutional separation of powers, the Committee did not make the same requests of President Bush.

All four former Presidents granted the Select Committee access to relevant materials in their Presidential libraries, but none provided a sworn deposition. The Committee chose not to attempt to challenge any claims of Executive Privilege and not to attempt to compel the former Presidents' testimony. The Committee attempted to negotiate less formal arrangements for obtaining the former Presidents' views on points important to the investigation.

These negotiations resulted in several different arrangements. President Ford agreed to meet informally with Chairman Kerry and Vice Chairman Smith. Presidents Nixon and Carter declined to meet in person with members or staff of the Committee, but agreed to provide signed, written answers to written questions. Only President Reagan declined to answer the Select Committee's questions in any form or setting.

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[284] J. Lawrence Wright, Attorney Affidavit, Aug. 19, 1992.